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LEGISLATIVE HISTORY
Public Law 91-177
S 3016

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PUBLIC LAW 91-177 (S. 3016) ECONOMIC OPPORTUNITY AMENDMENTS OF 1969 (Approved Decemver 30, 1969). Authorizes funds for the continued operation of economic opportunity programs, and strengthening the anti-poverty program in rural as well as urban areas.

INDEX AND SUMMARY OF S. 3016

June 23, 1969	Rep. Perkins and others introduced H. R. 12321 which was referred to House Education and Labor Committee. Print of bill as introduced.
Oct. 10, 1969	Senate Labor and Public Welfare Committee reported S. 3016, an original bill. S. Rept. 91-453. Print of bill and report.
Oct. 13, 1969	Senate began debate on S. 3016.
Oct. 14, 1969	Senate passed S. 3016 with amendments.
Oct. 15, 1969	S. 3016 was referred to House Education and Labor Committee. Print of bill as referred.
Nov. 6, 1969	House committee voted to report H. R. 12321.
Nov. 20, 1969	House committee was granted permission to file report until midnight Nov. 22, 1969.
Nov. 22, 1969	House committee reported H. R. 12321. H. Rept. 91-684. Print of bill and report.
Dec. 11, 1969	House agreed to resolution for consideration of H. R. 12321.
Dec. 12, 1969	House passed S. 3016 with amendment in lieu of H. R. 12321.
	House conferees were appointed.
Dec. 15, 1969	Senate conferees were appointed.
Dec. 19, 1969	House received conference report. H. Rept. 91-778. Print of report.
Dec. 20, 1969	Both House and Senate agreed to conference report.
Dec. 30, 1969	Approved: Public Law 91-177.

91ST CONGRESS
1ST SESSION

H. R. 12321

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1969

Mr. PERKINS (for himself, Mr. AYRES, Mr. THOMPSON of New Jersey, Mr. GERALD R. FORD, Mr. DENT, Mr. BELL of California, Mr. PUCINSKI, Mr. ERLENBORN, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. BRADEMAS, Mr. ESCH, Mr. O'HARA, Mr. STEIGER of Wisconsin, Mr. CAREY, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON of California, Mr. GAYDOS, Mr. POWELL, Mr. HANSEN of Idaho, and Mr. RUTH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of carrying out programs under the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and such amounts as may be necessary for the fiscal year ending June 30, 1971.

SEC. 2. Sections 161, 242, 321, 408, 613, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

91ST CONGRESS
1ST SESSION

H. R. 12321

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

By Mr. PERKINS, Mr. AYRES, Mr. THOMPSON of New Jersey, Mr. GERALD R. FORD, Mr. DENT, Mr. BELL of California, Mr. PUCINSKI, Mr. ERLENBORN, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. BRADEMAS, Mr. ESCH, Mr. O'HARA, Mr. STEIGER of Wisconsin, Mr. CAREY, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON of California, Mr. GAYDOS, Mr. POWELL, Mr. HANSEN of Idaho, and Mr. RUTH

JUNE 23, 1969

Referred to the Committee on Education and Labor

Calendar No. 449

91st Congress, 1st Session - - - - - Senate Report 91–453

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

REPORT

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

ON

S. 3016

TO PROVIDE FOR THE CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964, TO AUTHORIZE ADVANCE FUNDING OF SUCH PROGRAMS, AND FOR OTHER PURPOSES

TOGETHER WITH

SUPPLEMENTAL AND INDIVIDUAL VIEWS

OCTOBER 10, 1969.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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Calendar No. 449

91st Congress, 1st Session | SENATE | Report No. 91-453

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

October 10, 1969.—Ordered to be printed

Mr. Nelson, from the Committee on Labor and Public Welfare, submitted the following

REPORT

together with

SUPPLEMENTAL AND INDIVIDUAL VIEWS

[To accompany S. 3016]

The Committee on Labor and Public Welfare, having had under consideration legislation to amend the Economic Opportunity Act of 1964, to authorize funds for the continued operation of economic opportunity programs, and for other purposes, reports an original bill and recommends that it do pass.

I. INTRODUCTION—THE NEED FOR OEO DURING THE NEXT 2 YEARS

> The cycle of poverty in the slums and ghettos has been slowed by the counterforce of the whirring economy. Unemployment is down and income is up, even in the hardest-to-reach places and categories of people. But the cycle of dependence, measured by the number of welfare recipients, has accelerated more than the (Kerner) Commission anticipated. * * * Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems. Nor has the past year seen even a serious start toward the changes in national priorities, programs and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the Nation's response.—One Year Later, published by Urban America, Inc., and the Urban Coalition, March 1, 1969.

Despite the apparent affluence of the Nation as a whole, poverty, and the social problems which go with it, remains a deeply serious problem in America and demands the urgent attention of the Federal Government.

This was the principal conclusion of witnesses who testified before the Senate Subcommittee on Employment, Manpower and Poverty as it considered legislation to extend the Economic Opportunity Act.

And this remains the principal conclusion of the Labor and Public Welfare Committee as it reports to the Senate a bill to extend the Office of Economic Opportunity for 2 additional years, as recommended by the Administration.

Although there are (and perhaps always will be) differences of opinion as to the precise manner in which to attack the problems of poverty, there is almost universal agreement that vigorous governmental action is needed, and that substantial resources must be committed to the fight.

The dimensions of poverty

On August 19, 1969, on the fifth anniversary of the signing of the Economic Opportunity Act, the U.S. Census Bureau placed the number of Americans living in poverty at 25,400,000, which represents 13 percent of the population. Of this large poverty population, 42 percent are children, under 18, and 18 percent are elderly, over 65. This estimate is based on a newly established level of $3,553 per year as the minimum income needed by a nonfarm family of four to live above the poverty level.[1]

The specter of 25 million poverty stricken fellow citizens haunts this prosperous Nation.

A nationally recognized authority on hunger testified before our committee that there are "at least 5 million chronically hungry people in the United States and another 10 million who are chronically malnourished."

A distinguished physican operating an OEO-financed health center in Mississippi described scientific studies which indicate that hunger and the cultural deprivation which goes with poverty are transforming above average children into substantially below average human beings within the first 2 or 3 years of their lives.

Although poverty is a problem for a minority of Americans, it is limited to no one racial group and no one region of the Nation. Of the 25.4 million victims of poverty, 17.4 million are white. That is to say, poor whites outnumber poor nonwhites 2 to 1. Yet the poor who are nonwhite—Negroes, Indians, Mexican-Americans, Puerto Ricans and Eskimos—appear to suffer from deeper extremes of poverty, and their effort to climb out of the morass of poverty is made all the more difficult by their race. The rural South remains an area with especially critical poverty problems,[2] but depressed rural areas in many sections of the Nation face similar problems, and the

[1] In August 1969, the statistical definition of poverty was revised as a result of studies by an interagency task force. It sets the poverty level at $3,553 for a nonfarm family of four and $3,034 for a farm family. The previous levels had been $3,335 and $2,345 respectively. Such definitions are necessary to develop national statistics. Their shortcomings must be kept in mind, however. The GAO audit of OEO (March 1969) stated: "The poverty line measure of individual need has been frequently challenged * * * as a valid measure of individual need. * * * It is based on a rather arbitrary multiple of food costs for families of different sizes. * * * A purely economic definition or indicator of individual poverty is likely to oversimplify multidimensional aspects of the problem." Review of Economic Opportunity programs, by the Comptroller General of the United States, p. 20.

[2] "The South contains 48.5 percent of all poor people and almost two-thirds of the nonwhite poor." OEO Congressional Presentation, May 1969, p. 2.

poverty of our large city ghettos confronts us with even more complex and explosive problems.

This is essentially the same situation which the Congress faced in 1964 when it first established the Office of Economic Opportunity.

It recognized that existing Federal agencies and the programs they were assigned to administer, were for a variety of reasons not fully adequate to the challenge of poverty in the 1960's.

The creation of a new Federal agency and the launching of a variety of quickly developed new programs aimed at breaking up long established patterns of poverty, was bound to create controversy.

A review of progress made

Progress has been made in the War on Poverty, but it is always difficult to correlate such progress with specific programs.

It is estimated that 11 million Americans have "come out of poverty" since 1964 by rising above the somewhat arbitrary poverty income levels. There is debate as to whether this progress can be attributed to any great extent to the programs established under the Economic Opportunity Act.

The committee believes that this argument begs the question. There is no question that much of the progress toward eliminating or reducing poverty in America has resulted from the broad expansion of the American economy, rather than from any single program or set of programs operated by OEO or any other agency.[3]

At the same time, there is no question that OEO has achieved sufficient success to merit its continuation as what it was meant to be—a program which is both supplemental and experimental, serving as an advocate of the poor within the agencies of government and in the Nation at large, facing up to the unmet needs and seeking the answers to the riddle of poverty which have eluded us in the past.

OEO itself described its record in these words in a report early in 1969:

> We have deep pride and satisfaction from much that OEO has accomplished. There are the indisputable community action achievements of institutional change, the enlistment of the largest peacetime army of volunteers in history, the mobilization of community resources, and the pioneering involvement of the private sector in social welfare programs * * *
>
> We find great significance in the stationing of U.S. Employment Service personnel in ghetto offices; in the location of welfare workers in OEO's neighborhood centers; in the more than 50 law schools which have incorporated courses on poverty law into their curriculum; in the "participation of the poor" principle adopted by almost every Federal agency concerned with domestic programs; in the increasing proportion of United Fund efforts that are directed toward the poor; in the adoption by the military services of Job

[3] "Between 1959 and 1967, the number of poor declined by one-third from 38.9 million to 26.1 million. The main reason for this dramatic improvement has been the achievement and maintenance of a full employment economy during recent years." OEO Congressional Presentation, May 1969, p. 142. The role of full employment must be kept in mind in interpreting statistics on the dimensions of our poverty problem as well as in measuring success or failure of antipoverty programs. The Bureau of Labor Statistics announced on October 8, 1969, that unemployment rose from 3.5 percent to 4 percent of the labor force. Because persons living in poverty are often "last to be hired and first to be fired," even such seemingly small changes in overall employment figures can have a great effect on the poverty problem.

Corps-developed techniques for educating hard-core youth, and in the public school systems which are utilizing Headstart practices of employing nonprofessionals as classroom aides.

It is an incontestable achievement that 500,000 Americans have served as volunteers to Headstart; that 50,000 volunteers work in community action agencies; that 30,000 persons serve without compensation on CAA boards; that 20,000 volunteers actively work with Job Corps enrollees; that 45,000 volunteers have dedicated their time and energies to other antipoverty programs. It is also worthy of mention that more than 500,000 people in 389 counties were eligible for OEO emergency food programs in 1968; that multipurpose neighborhood centers have cared for the diverse needs of 3½ million poor people; that Neighborhood Health Centers have a capacity to give free and full health care to 1 million residents of impoverished neighborhoods; and that legal service programs have brought justice to over 1 million people who otherwise would not have known it.

The new administration, following a comprehensive review of the OEO by its own task force of knowledgeable persons, concluded that the program should be extended for 2 more years.

The newly appointed Director of the Office of Economic Opportunity, Donald Rumsfeld, testified before our committee:

> President Nixon has sent to the Congress a proposed amendment to the Economic Opportunity Act of 1964 to extend the authorization for appropriations from June 30, 1969 to June 30, 1971. This extension, providing for a request for $2.048 billion for fiscal year 1970, will furnish a sound framework for change in the agency's policies and operation. More comprehensive improvements, he feels, should be made after careful study by the new Director and the staff of the agency. A 2-year extension, the President believes, will improve the management of this program by allowing longer range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs. The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.

In response to a joint letter from Senator Nelson as chairman of the Employment, Manpower and Poverty Subcommittee and Senator Javits as ranking minority member of the Labor and Public Welfare Committee President Nixon wrote on September 6, 1969:

> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of

> Government-wide evaluation. Facts that will come out of this office will assist all agencies within the administration in evaluating the effectiveness of their programs for the poor. It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.

The committee is impressed with the commitment which has been expressed by the President and the new Director of OEO, and is anxious to give them both the time and the legislative sanction needed to achieve the worthy goals they have set. This is the spirit of the proposed legislation which we are reporting to the Senate at this time.

It is fortunate that broad, bipartisan agreement has been reached on the future of the "War on Poverty." No one should expect that poverty will be abolished in the next 2 years as a result of the passage of this bill. However, it is logical to assume that much greater progress will be achieved through a continuation of the present programs, strengthened by improved administration and freedom to innovate, than would be achieved if the present programs were abruptly canceled or curtailed before their true worth could be measured, or if action against poverty were to be suspended because of a lengthy dispute over the precise course which the war on poverty should take in the next 2 years.

> The War on Poverty is now at a crucial crossroad. There is impatience with the slow pace of its progress. * * * The National Council believes, all circumstances considered, that the OEO and programs it has initiated, have been an important weapon in the war against poverty. Mistakes have been made. But from the failures as well as the successes, much has been learned in 5 years. Those who attempt to solve problems in the area of the physical sciences do not expect or achieve success in their first experiments. Why is it therefore that those who work on problems of human need should be expected to achieve instant success?—National Council of Churches.

OEO a supplemental program

In assessing the success of the Office of Economic Opportunity, and in judging whether it should be extended for 2 more years, it is important to keep in mind the precise nature of the OEO—what it is and what it is not.

As stated earlier, the OEO is supplemental and experimental. Despite claims which may have been made for it, it was never designed to be an all-inclusive program to abolish poverty. Neither the programs which it operates, nor the funds which Congress has appropriated to it have the capacity to lift 25 million American citizens out of poverty. More than 75 percent of OEO's budget goes for special services in the areas of job training, education, and health. These services are designed to give individuals who receive them a better chance to work their own way out of poverty. We hope that over a period of years, these services will have a substantial effect in assisting many thousands of people to better their lot in life. But we should know at the outset that OEO

offers no direct, immediate prospect of turning widespread poverty into universal prosperity.

It is, of course, possible to design programs which would immediately lift poor people out of poverty. Such programs would require governmental subsidies to create jobs and the direct transfer of substantial sums of money to the poor, to close the gap between what they now earn and what they would need to earn to live above the poverty level—a gap which has been estimated by students of poverty at about $10 billion a year. On October 2, 1969, the President's proposals to establish nationwide minimum welfare benefits and set a guaranteed annual income for the poor, for those who are working as well as for those who are unable to work, were introduced in the Senate. A program such as this, properly designed and backed by sufficient funds, could conceivably "abolish poverty," something which OEO's programs of job training, education, health, and legal services, and community organization—while quite necessary—could never be expected to do by themselves.[4]

> * * * What the OEO is doing, it must continue to do. * * * (But) when we talk about eradicating poverty we must look at its history, its magnitude and the built-in social forces that maintain it. * * * Until there is a realistic jobs program with its enormous consequent costs, or until there is some type of program of general income maintenance tagged in the billions, we are in a sense playing a game with poverty. * * * (Yet) OEO is still our best effort and our best hope to date. * * * There may have been too much rhetoric. * * * Nevertheless we have begun to become aware, we have begun to move, we have begun to face reality.—The Reverend John McCarthy, director, division for poverty, U.S. Catholic Conference.

The question of "delegation"

OEO was not intended to be a traditional agency and there are many who feel that it should not retain responsibility for operating established programs on a permanent basis. In this view, if it were to become simply another permanent operating agency, it would lose its vital character as an innovator and as a goad, assigned to probe into new areas and to prod other agencies into action on neglected problems.

In any event, the committee is most insistent that the OEO continue to play a vigorous role in the Government-wide War on Poverty, both at the national level and at the local level through its community action agencies. The committee is determined that programs in which substantial human and financial resources have been invested be given time to prove their potential contribution. It is most anxious that the long neglected effort to eradicate poverty—whether conducted by OEO or any other agency—not suffer because of the competition for funds which always places great stresses on the executive branch. Within those limitations, the committee commends

[4] While recognizing the need for remedial services to individuals (job training, education, health and legal services) such as OEO provides, students of poverty have contended that in order to abolish poverty the Nation would have to develop major new programs in three areas: (1) income supplements for the working poor (a program such as the President has now proposed); (2) public service employment (to create the jobs needed to absorb some of the graduates of OEO-type training programs and also provide better public services); and (3) economic development in ghettos and depressed rural areas. The Kerner Commission recommended such a three-part program in March 1968, along with reform of the welfare system.

the administration for its expressed desire to make maximum use of the OEO as an experimental laboratory, to seek the most effective answers to the dilemma of poverty in an affluent nation, and then to establish ongoing programs to put those discoveries into full effect.

The previous administration delegated certain OEO functions to other Federal agencies in accord with the Economic Opportunity Act. The present administration has extended this practice by delegating the OEO-operated Job Corps program to the Department of Labor, and the Headstart program to the Office of the Secretary of Health, Education, and Welfare.

The delegation of an OEO-operated program to another Federal agency inevitably causes concern among supporters of the program. Fears are aroused that the spirit of the program may be lost in the process, particularly the special sensitivity to the needs of the poor which has been emphasized in OEO programs. On occasions the program is delegated to an agency which has been judged delinquent in meeting the needs of the poor in the past.

The committee understands the basis for such concern. It took considerable testimony on ways of meeting this problem. In the end, the committee accepted the assurances of the administration that no further delegations are contemplated at this time, and that those delegations already ordered will be carried out with scrupulous regard for the law. In this connection, it is worth noting the language of the statute which provides that delegations shall be "subject to provisions to assure the maximum possible liaison between the Office of Economic Opportunity and such other agencies at all operating levels, which shall include the furnishing of such information by such office to such other agencies."

The committee intends to maintain legislative oversight over the delegation of OEO programs to other agencies to make certain that the public investment in these programs is preserved, that they are not "swallowed up" in agencies which sometimes have been insensitive to the problems of poverty, and that the language in the delegation statute is complied with.

II. THE COMMITTEE'S INVESTIGATION OF OEO

In 1967, the committee undertook an exhaustive, nationwide study of the poverty program, aided by a staff of consultants who prepared a 15-volume study of OEO and its programs. Extensive field hearings were held. The committee has not undertaken a study of such breadth and depth this year for two principal reasons.

Much of the need for studying program operations was satisfied by the release in March 1969, of a complete audit of the OEO conducted by the General Accounting Office as a result of an amendment to the act in 1967 sponsored by Senator Prouty. A second reason was the decision of the new administration to request a 2-year extension of the act, with no substantive changes, pending the development of the administration's own further proposals in regard to poverty.

The committee has found the GAO audit of value in carrying out its responsibilities. The committee is concerned that the program benefit from the recommendations made in the report.

In outlining the GAO audit, the Comptroller General, Mr. Elmer Staats, testified before the committee as follows:

> I would like to highlight our major conclusions * * *. The first relates to improving the organization and management of antipoverty programs. An important and basic objective is coordination of the programs authorized by the act with one another and with related programs administered by other agencies. This coordinating task was assigned to the Economic Opportunity Council which was created by the act, and to OEO, the former having, of course, the dominant role. The council has never functioned effectively and, as recast by the 1967 amendments, hasn't been established. There hasn't been a meeting of the council since January 1968. OEO was not able to devote as much effort to the coordinating function as that function demanded.
>
> This coordinative task was made difficult by the necessity of OEO's influencing the actions and policies of older agencies. OEO, a new agency of lesser status in the Federal hierarchy, was unable to bring together all the programs relating to the War on Poverty.
>
> As a consequence, *effective coordination has not been achieved in our opinion. We do not believe it can be so achieved under the existing organizational machinery.* [Emphasis added.]

The Comptroller General testified that, while OEO's budget has been less than $2 billion a year, "the total Federal outlays for the income level groups that we are defining as being with the poverty level" were estimated at about $24 billion for fiscal year 1969 and $27 billion for 1970.

There is, of course, considerable disagreement over the allocation of any specific spending item to the "poverty" category, but the Comptroller General's point was well taken. Even more important than the efficient operation of the relatively small program operated by OEO is the coordination of the vast, governmentwide war on poverty which, measured in terms of dollars, is at least 10 or more times as large as the OEO budget.

The committee seriously considered various proposals designed to bring about the governmentwide coordination which the GAO audit found to be such a serious shortcoming in our antipoverty programs. However, the administration opposed writing any new coordination directive into the law, while at the same time offering the committee the assurance that it will take steps in the near future to bring about this badly needed coordination, presumably through activation of the Economic Opportunity Council or through some agency such as the President's Urban Affairs Council.

A strong directive for coordination remains in the act (title VI, part B), and the committee expects the administration to achieve this stated degree of coordination in the near future.

OEO supported at hearings

In considering legislation to extend the OEO, the Subcommittee on Employment, Manpower, and Poverty held 8 days of public hearings in April, May, and June of 1969. The subcommittee also held 3 days of hearings in April and May to consider the closing of Job Corps centers, which provided a valuable review of OEO manpower pro-

grams, and 3 days of hearings in August into the Headstart program and related programs of child development.

Organizations which provided strong testimony in support of the OEO and a continuation of its programs included:

The Urban Coalition Action Council.
Members of the National Advisory Commission on Civil Disorders (Kerner Commission).
Human Resources Administration, New York City.
League of Women Voters.
American Bar Association.
National Association for the Advancement of Colored People.
AFL–CIO.
National Governors' Conference.
National Council of Churches.
Church Women United.
National Council of Negro Women.
National Council of Jewish Women.
National Association for Community Development.
Anti-Defamation League of B'nai B'rith.
National League of Cities.
U.S. Conference of Mayors.
Center for Community Change.
National Conference of Catholic Charities.
U.S. Catholic Conference.
National Farmers Union.
Bedford-Stuyvesant Restoration Corp.

III. PROPOSED FUNDING LEVELS

A. Overall Authorizations for Fiscal Years 1970 and 1971

The committee bill authorizes the appropriation of $2.34 billion for the programs of the Office of Economic Opportunity during fiscal year 1970, ending next June 30 and $2.732 billion for fiscal year 1971, ending June 30, 1971.

Each year's authorizations are divided in two parts, first the administration's request earmarked by program and then additional authorizations for specific programs considered to be of special importance by the committee.

For fiscal year 1970, the administration's requests total $2.048 billion. The committee accepted the administration's budget requests and wrote them into the bill as the basic authorization figures. (It should be noted that the administration's request includes a total of $427.9 million in unearmarked funds for title II.) An additional $292.1 million is authorized for eight OEO programs for fiscal 1970 as detailed in later sections of this report.

For fiscal 1971, the administration's budget requests are again adopted as the basis for authorization—but an additional $100 million in unearmarked funds is authorized for allocation by the Director at his discretion. Additional authorizations for the eight selected programs for fiscal year 1971 total $584.2 million.

The committee believes that the full amount authorized for the second year for expansion of the eight programs is fully justified in terms of need for both years. However, since authorization and

appropriation bills for fiscal 1970 are unlikely to become law until after nearly 6 months of the fiscal year has elapsed, the figures for fiscal 1970 were set at one-half those authorized for 1971.

B. Work and Training Programs

The committee bill authorizes expenditures of $890.3 million for both fiscal years 1970 and 1971 for parts A (Job Corps) and B (community work and training programs) of title I, as requested by the Administration.

The committee, recognizing the need for continued experimentation in manpower programing, and the desirability of leaving as much flexibility as possible to local prime sponsors of comprehensive community work and training programs mandated by the 1967 amendments to the Economic Opportunity Act, did not earmark funds for the specific programs authorized by section 123(a), subsections (1) through (8). Nevertheless, the committee expects that the identity of nationally recognized programs will be maintained.

The administration has requested prompt consideration of its proposed Manpower Training Act of 1969. The committee intends to begin extensive hearings on this comprehensive proposal in the near future. The hearings will give administration witnesses, local officials and citizens an opportunity to comment on that proposal in the light of experience gained through the manpower program administration since the passage of the Manpower Development and Training Act in 1962. Therefore the comments in this report on manpower programs will be brief.

However, a word needs to be said about the controversy that has arisen over the administration's new guidelines for the concentrated employment program.

The new guidelines require that the U.S. Training and Employment Service operate itself, or have operational control over all manpower services of the 79 concentrated employment programs now in actual operation.

Since the CEP program was begun in April of 1967, a pattern has developed in which local community action agencies, which are generally the prime sponsors for local CEP programs, have operated themselves, or have delegated to nonprofit local community based corporations, a substantial part of the CEP manpower programs. This pattern developed at a time when the employment service was neither physically staffed nor inclined to operate effective remedial programs located in poverty communities, employing community people and sensitive to the community's view of needs and solutions.

The reaction of local CEP organizations to the new administration demand that operational responsibility for CEP manpower programs be turned over entirely to the Employment Service is understandable. The National Organization of CEP Directors fear a "drastic deterioration in program quality" if the guidelines are enforced. They fear that local employment services will prove unresponsive to the needs of the poor, that the new guidelines will preclude effective influence on the manpower programs by representatives of poverty communities who have a place on CEP boards, that civil service regulations will prohibit employment services, even if they wished, to employ the community people now manning CEP programs operated by CAA's and non-

profit delegate agencies. Further, the directors believe that leaving the CEP with its responsibility for program performance as prime sponsor but removing from it all operational responsibility will leave a weakened CEP structure in an administratively untenable position.

For while the local employment service and its personnel would be technically responsible to the CEP as prime sponsor, the fact that the employment service reports directly both to the State capital and the Labor Department in Washington would mean that local CEP influence on the local employment service would be too weak to be effective.

The committee believes that these objections raise very serious questions that ought to be given careful consideration by the administration, and which will receive the attention of the committee on its hearings on the proposed Manpower Act of 1969.

A review of the Economic Opportunity Act of 1964 as amended in 1967 and the report on that act (Senate Report No. 563 for the 90th Congress, first session) indicates clear congressional intent that the prime sponsor should control the entire CEP program with "maximum *support*" from the Employment Service (Sec. 647(b)). The report makes clear the intended role of the Employment Service:

> The committee bill permits financial assistance for recruitment, counseling, and placement services, which may be conducted by public or private organizations. Preference, however, should be given to the U.S. Employment Service where appropriate.

It would seem plain that there is a difference between the concept of "preference" for providing supportive services and requiring that CEP's turn over operational control of their entire manpower operations to the local employment services.

It should also be noted that the concept behind the comprehensive work and training program authorized in the 1967 amendments was to give local officials and community representatives maximum flexibility in determining what mix of manpower programs would be most responsive to local needs, and which local organizations would be most effective in carrying them out. In its proposed Manpower Training Act the administration endorses this concept, asking that mayors be given control over city manpower programs. Yet in the recent CEP guidelines control is shifted to an organization most responsive to State and Federal direction and that shift is made mandatory.

The committee will be especially interested in determining if the proposed changes have the practical effect of dangerously weakening community action agencies.

It has come to the attention of the committee that a new set of guidelines is being proposed for new careers that substantially alters the original legislative intent of the program which was designed to bring low-income people into career opportunities in the human services. There are two aspects of the guidelines that are of particular concern.

One deals with the cost per enrollee which we understand has been very substantially reduced (over $1,000 per trainee). The committee is aware that the new careers program is dealing with a constituency with serious health problems, legal and financial difficulties, and a spectrum of personal disabilities. These require expert supportive services which must be reflected in the cost per enrollee. Moreover, the

wide diversity of educational deficiencies also requires a substantial remedial program, as well as specially designed course work, all of which contributes to the per enrollee cost. In addition, male heads of households have been dropping out of the program because of salary levels which currently are too low.

In the face of these known facts, the committee finds it difficult to understand how the per enrollee cost, which must include not only wages but fringe benefits, etc., can be reduced.

Secondly, the legislative intent of this program has many dimensions. Two of the most important are creating upward and lateral mobility for the new careerist, and making a new careers program the vehicle for substantial institutional change. Yet it has come to our attention that the role of higher education would be sharply reduced in the new guidelines. This change would severely limit the attainment of both objectives.

The committee's primary concern is that the Department of Labor preserve in its range of programs one of high quality that can become the vehicle for the overdue restructuring of human service agencies. New careers has this possibility, and it is our recommendation that it be retained as a seed program with the elements of an adequate cost per enrollee, the opportunity for earning credentials in higher education, and flexibility that can reflect the varied needs of the enrollees. These elements should be firmly reflected in the guidelines.

C. Special Impact Programs (Community Economic Development)

The administration requested $46 million for the special impact program. The committee earmarked that figure in the bill for each of the 2 years and authorized an additional $7 million for fiscal year 1970 and an additional $14 million for fiscal year 1971, bringing the total for the second year to $60 million.

The Senate Committee on Labor and Public Welfare views the Special Impact program with special interest. It was added to the Economic Opportunity Act in 1966 through the combined efforts of Senators Robert F. Kennedy and Jacob Javits to provide funds for programs that would concentrate substantial sums of money in particularly poor and geographically limited areas, attacking problems of economic development as well as social problems.

We recognized that to alleviate the devastating effects of poverty, welfare programs, however effective, simply are not enough. Efforts to build communities through economic self-determination as well as through manpower training, education, health and transfer payment income maintenance programs are essential.

The first fruit of this legislation came in the $8.5 million of Federal support provided over the last 2 years to the promising Bedford-Stuyvesant community economic development effort in Brooklyn, N.Y. In that program, successful cooperation has been established between corporations representing New York area financial and business interests and a corporation representing the Bedford-Stuyvesant community.

Aside from funding the Bedford-Stuyvesant effort, however, funds appropriated under title I–D were spent during fiscal year 1967 on the Concentrated Employment program, a useful effort but only tangentially related to the purposes of title I–D. Therefore, the committee

amended title I–D in 1967 to make it clear that manpower programs were to be supplementary to community based economic development programs.

Still funds for the program were divided between a number of agencies until last January, when funds were assigned by the administration to OEO to be used for community based economic development, the purpose originally intended by the committee.

To underline the importance that the committee attaches to the concept of community based economic development it is helpful to quote from the language of the report on the 1967 amendments (S. Rept. No. 563, 90th Cong., first sess., p. 34).

> *6. Community participation*
>
> Experience of the first year's operation demonstrates that successful program operation, including active participation by business, requires and depend on the utmost cooperation of community residents. That cooperation in the view of the committee, will best be achieved through effective and substantial participation of the residents in program decisions, responsibility and benefits. Community and community-based corporations, which have demonstrated their potential utility as vehicles for such participation, should be encouraged * * * to undertake sponsorship of program under this part.

The committee approves of the work of the Office of Economic Opportunity with the Special Impact program over the past year and a half in developing models of community corporations and community based economic development in rural as well as urban areas. It believes that community-based economic development may well hold the key to economic and social health for poor urban communities.

Rural area community based economic development is a particularly important but often overlooked or underrated effort. Ways must be found to construct viable community economies in rural areas if the flow of population toward overcrowded industrial cities is to be slowed. Rural population stabilization is in the interest not only of the countryside but also essential to the solution of urban problems. Cooperatives and other community-based rural economic enterprises offer opportunities for creative approaches toward these solutions.

According to OEO figures, the Special Impact program now includes seven urban and four rural programs, and one program that is both urban and rural. Programs have been funded in 11 States and the District of Columbia. Currently on hand are proposals from 81 community groups requesting a total of $93 million, with another 170 community groups from virtually every State in the Union planning to submit proposals.

The great interest that poverty community activists have in the potential of community-based economic development plans underlines the important opportunity that this program represents.

The committee hopes that as the program develops it will look into ways and means to involve the business community effectively in Special Impact programs as a source of both capital and technical assistance to developing community based corporations. Opportunities to involve community corporations in housing ventures under the Housing Act of 1968 also ought to be explored.

The committee looks forward in the near future for an opportunity to hold hearings to examine the problems and potentials of poverty-area economic development in detail.

The original authorization back in 1966 for the Special Impact program was $75 million. Appropriations however have not equalled aspirations for this program thus far. So the committee was much encouraged when the administration budgeted $46 million for community-based economic development in the current fiscal year. It is hoped that $60 million for fiscal year 1971 provides an attainable goal and a reasonable rate of expansion for this essential program.

D. Community Action

> The National League of Cities and the U.S. Conference of Mayors both support the continuance of the Office of Economic Opportunity * * * We believe that the Community Action program and the other components of the war against poverty are vital to the social reconstruction of our cites.—Mayor Joseph M. Barr, Pittsburgh.
>
> Community Action was a commitment to localism, the development and operation of programs at the local level, engaging a wide variety of local groups in the decision making process * * * Congress wisely assumed that those closest to problems might, with adequate resources, be best suited to do something about them. Today there is nothing to make us believe the policy instituted in 1964 was not a wise one.—Richard W. Boone, senior vice president, Center for Community Change.

The committee bill authorizes $1,012,700,000 for title II—Urban and Rural Community Action programs. More than half of this authorization is earmarked, program by program, for the so-called "special emphasis" programs, such as Headstart, Emergency Food & Medical Services, etc., some of which are operated by Community Action agencies.

The remainder of the title II authorization—a total of $412.9 million for fiscal 1970 and $397.9 million for fiscal 1971 after reserving funds for the two new special emphasis programs for Alcoholic Counseling and Recovery and Drug Rehabilitation—remains unearmarked and may be allocated by the Director in the manner he deems suitable. It is expected by the committee that the bulk of this unearmarked money will be spent for Community Action "local initiative" programs—those distinctive local programs developed by the 969 CAA's and approved by OEO.

Other activities financed out of this title's authorization are (using the categories as described by the Administration in its budget presentation): Program direction; training and technical assistance; State economic opportunity offices; research, pilot programs and evaluation.

The committee refrained from earmarking in this broad area to give the Director the greatest possible flexibility. In fiscal 1971, under the $2.148 billion basic authorization, the Director would have an additional $100 million in unearmarked funds which could be committed in these areas or for other purposes under the act. The 15-percent transfer-of-funds provision (described in part V of this re-

port) is available to the Director to enable him to transfer funds from programs for which funds are earmarked to another or other programs. The Director could take advantage of this 15 percent flexibility feature if he desired to increase funds for local initiative or for research, pilot programs and evaluation.

The administration has indicated that it intends to place greater emphasis on research and experimentation in community action. This can be accomplished under the terms of the committee bill which affords great flexibility to enhanced efforts in this respect. During fiscal year 1969, $35 million was expended for research, pilot programs, and evaluation, and for fiscal year 1970 the OEO budget allocates $46 million for this category.

Section 232 of the Economic Opportunity Act authorizes research and pilot programs designed to test or assist in the development of new approaches or methods in the war against poverty. Subsection (c) of such section provides that up to 15 percent of the sums appropriated or allocated in any fiscal year for title II of the act may be used for research and pilot programs as authorized in that section. Since the committee bill proposes no change in this provision, the Director could allocate up to a maximum of a little over $150 million for research and experimentation (15 percent of the allocation for title II of the act, exclusive of add-ons). The committee cannot conceive of any need for a more generous ceiling to enable OEO to fund experimental projects during the remaining 1½ years of this extension bill.

The committee expects that the Director will not exercise the wide discretion he retains over the allocation of funds under the committee bill to the detriment of local initiative community action programs and that he will not reduce the overall allocation of funds to such programs.

While particular projects should be reviewed periodically and changes made as needed, the committee expects the Office of Economic Opportunity, working cooperatively with State economic opportunity offices, to provide technical assistance and training with the goal of leaving no area of urban or rural poverty unserved by a Community Action program.

The committee is anxious to see a continuation of a strong Community Action program, constantly improved through improved management. The committee is encouraged by the following letter from the President to Senator Gaylord Nelson of Wisconsin, chairman of the Senate Subcommittee on Employment, Manpower and Poverty. An identical letter was received by Senator Jacob Javits of New York, the ranking minority member of the Labor and Public Welfare Committee. The two Senators had written the President a joint letter, asking his assurances on the future of the Community Action program.

THE WHITE HOUSE,
Washington, September 16, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this administration's determination to conduct meaningful OEO programs.

As stated in my February 19 message, I intend to see that "the vital Community Action programs (are) pressed forward." Nothing since that time has altered the administration's resolve to improve and strengthen the Community Action agencies now serving throughout the country. These agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.

The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of Government-wide evaluation. Facts that will come out of this office will assist all agencies within the administration in evaluating the effectiveness of their programs for the poor.

It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.

Sincerely,

RICHARD NIXON.

E. HEADSTART PROGRAM

The committee recommends increasing the total authorization levels for Project Headstart to $458 million in fiscal year 1970 and $578 million in fiscal year 1971.

The committee was impressed with the need for this immediate yet modest increase in authorizations for Headstart as a result of recent hearings which the Employment, Manpower and Poverty Subcommittee held on S. 2060, the proposed "Headstart Child Development Act of 1969." During these hearings the Subcommittee learned both about the success and effectiveness of the current Headstart efforts, and about the administration's proposals to substitute full-year Headstart programs for many of the summer Headstart programs which are currently being funded. In addition, the subcommittee learned that the Headstart program is now barely scratching the surface of need, that it serves only about 10 percent of the disadvantaged children under age 6 who should be offered child development opportunities. It would be a tragedy to reduce the number of children served.

The overwhelming thrust of the testimony during the hearings on child development was that we now know more than enough about ways to prevent poverty from crippling childrens' intellects to begin acting on this knowledge. The testimony pointed to the critical effects of the first years of life, the ways poverty and deprivation can prevent a child from reaching his full potential, and the effectiveness of project Headstart and other early childhood programs which provide health care, nutritional aid, and educational stimulation to impoverished children. The hearings revealed, very simply, that by adequately funding many of the very promising early childhood efforts that can now be mounted, we can prevent the cycle of poverty from being passed down from generation to generation. These hearings clearly indicated that while we may not have found all the solutions to all early childhood problems, we do know how to prevent a great deal of nutritional, health, and intellectual damage from occurring. The hearings revealed that we know that by providing health care and nutritious diets to infants and young children we can prevent condi-

tions that otherwise cause damage, and that by providing proper educational stimulation, we can help disadvantaged children get a more equal start in school.

The supporting testimony for Project Headstart ranged from the statement of a Headstart parent that when she asked one little boy why he liked Headstart, he said "because I can eat until I am full," to the persuasive testimony of Dr. Robert S. Mendelsohn, Associate professor and director, Division of Community Pediatries, University of Illinois Medical Center, Chieago, Ill. Dr. Mendelsohn, who has been a consultant to local OEO projects, has served as medical director, Project Headstart, Cook County OEO, and most recently as director of Medieal Consultation Service, Projeet Headstart, American Academy of Pediatrics, made the following statement about the need to act, and act now, on the basis of the knowledge and information that exists about preventing early childhood problems:

> American intelleetual life is often charaeterized by a schizophrenie split between thought and aetion. There is a tendency to defer action "until all the facts are in." This is often referred to as paralysis by analysis. Yet every doctor knows that there is no ease in whieh all the facts are ever in. Praetieally every treatment for every disease has its advocates and its critics. Doctors almost always act on the basis of insufficient or inadequate information. This is especially true when they must treat critically ill or dying patients.
>
> And our children living in poverty are dying. They are dying physieally from lead poisoning, tuberculosis, severe diarrhea, prematurity, malnutrition, rheumatic fever, and all other diseases affecting the poor. They are also dying intellectually from conditions affecting our educational system. This is no time to quibble over which medicine should be used or whether we should wait for the ideal drug. The wise, practical, and compassionate physician uses the best medicines available. He gives them not grudgingly, but in full dosage when he realizes the issue is life or death.
>
> He is not conducting a laboratory experiment. He is saving lives. He is, of course, interested in studying the effects of his medicine, but not at the risk of the patient's survival.

The subcommittee hearings further revealed the tremendous amount of intensive research which the Federal Government has conducted and is eonducting into early childhood problems. In response to questions by members of the subcommittee, the administration has submitted brief summaries of numerous early childhood experiments and studies conducted with support from the Office of Education, the National Institute of Child Development, the National Institute of Mental Health, and the Children's Bureau. While there is strong support within the committee for continuing research and evaluation of the Headstart and early childhood development areas, the committee feels that adequate knowledge already exists to justify vitally needed further expansion in the Headstart program, and rejects the argument that such expansion must await the results of still further studies and evaluations.

In this regard, the committee shares the opinion stated by President Nixon in his eeonomic opportunity message to the Congress on February 19.

The President said:

> Much of our knowledge is new, but we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

The committee views these increasing authorizations for Headstart as an opportunity to give substance to the "new national commitment to the crucial early years of life" for which the President has called.

The committee is convinced that research and testimony presented to the Employment, Manpower, and Poverty Subcommittee has confirmed the value of the early childhood development efforts of Project Headstart, particularly the added value of programs operated on a full year, rather than on an 8-week basis.

In its congressional presentation, further supported by the administration's testimony on S. 2060, OEO said "evaluative evidence gathered so far suggests that full-year programs are more effective than summer in fostering sustained developmental gains." On the basis of this knowledge, the administration proposes and the committee supports, plans to substitute full-year Headstart programs for many of the summer year Headstart programs currently being funded. But because full-year programs cost approximately $800 more per child than summer programs, if this substitution occurs without increasing the budget, a substantial reduction in Headstart opportunities will be required. Administration estimates which follow indicate that about 180,000 fewer Headstart opportunities will be available due to conversion unless more funds are provided:

NUMBER OF CHILDREN SERVED BY HEADSTART IN FISCAL YEAR 1969 AND UNDER ADMINISTRATION BUDGET FOR 1970

	Fiscal year 1969	Estimate, fiscal year 1970	Increase or decrease under administration budget
Full year	214,000	249,800	+35,800
Summer	450,000	225,000	−225,000
Experimental	0	9,700	+9,700
Parent and child centers (families)	3,600	3,600	0
Total	667,600	488,100	−179,500

The committee believes that a cutback in the number of children served by this program—which currently serves only about 10 percent of the preschool children in need—cannot be justified. Just when we are learning more about effective ways to help disadvantaged young children, the committee feels that it would be unfair and unwise to propose serving fewer children. The increased authorizations recommended by the committee are designed to permit this shift from summer programs to full-year programs to occur without requiring a cutback in the number of children served.

Based on estimates that 300,000 of the current 450,000 summer Headstart slots could be converted to full-year programs by the end of fiscal year 1971, at a net Federal cost of about $800 per slot, this conversion would ultimately cost approximately $240 million.

The committee authorizations are intended to permit sufficient funds to be appropriated to cover the initial costs of conversion in fiscal year 1970, and the full cost of converting 300,000 slots in fiscal year 1971.

F. Follow Through

Follow Through is a comprehensive school program for children who have had at least one full year's experience in a Headstart program or another quality preschool program. It is designed to preserve the gains already made by continuing comprehensive instructional, health, nutrition, psychological, social work, and parent involvement services.

Follow Through has been delegated by OEO to the Department of Health, Education, and Welfare.

Follow Through began in fiscal 1968, with funds totaling $14.6 million. It served 15,000 children in 91 programs. For fiscal 1969, funding totaled $30 million, to serve 31,000 children in 132 programs. For fiscal 1970, the previous administration requested $60 million to serve 62,500 children in 170 programs. The present administration has made the same request, and the committee has written that authorization into the bill.

Even this substantial increase will serve only a small fraction of the children needing Follow Through services. OEO reports that there are 282,000 graduates of full-year Headstart and preschool programs funded through title I of the Elementary and Secondary Education Act—more than four times the number which can be served by Follow Through at the authorized level.

G. Legal Services

The committee recommends increasing total authorizations for the Legal Services program to $74 million in fiscal year 1970 and $90 million in fiscal year 1971.

These recommended authorization increases are based on very compelling testimony about the progress of the legal services program presented throughout the hearings on this bill by groups such as the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association.

In a joint statement prepared for the subcommittee, these associations stated that they "have consistently urged an increase in the size, and therefore the appropriations, available to the legal services program. It has been and remains our opinion that a level of $90 million is necessary as a floor to meet the immediate need for legal services." The associations concluded their statement by saying, "we wish to state again our conviction that the Legal Services program, where available, has meaning for and is playing a meaningful role in the lives of the poor. And it is accepted by them. It has demonstrated in a unique manner that the established order hears them and provides for them in the precious processes of American justice."

The urgent need for an effective and expanded Legal Services program was perhaps best summarized by John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants. In answer to questioning by members of the Subcommittee on Employment, Manpower and Poverty, Mr. Robb said:

I think one of the very important concepts of the legal services program, Mr. Chairman, is the idea of broad services to the poor. We are trying to convince the poor that in these legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably. That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits to the Department of Health, Education, and Welfare itself, if necessary.

I think this is terribly important. *I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society.* We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in *that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets and that there is violence on our campuses.* (Italic supplied.)

What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife torn campuses in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client, not a local city, not a local unsympathetic mayor who may not believe in their cause and not an unsympathetic chief executive of a State government.

Last year funding of Legal Services at the $42 million level supported 265 programs involving 1,400 lawyers in 49 States. The administration's budget request for legal services for the current year is $58 million.

By providing free legal counsel to poor and minority groups, the legal services branch of the OEO reflects the increased national awareness of the important relation between sound advocacy and equal justice. The committee concluded that in its brief history, legal services has had a great impact on the poor and on the law, and is, perhaps, the most successful of OEO operations.

Although it is making an important contribution, the committee is concerned that legal services is not receiving adequate funds, and would not receive adequate funds even under the administration's increased budget request. The 1,400 field lawyers now in legal services have not even come close to meeting the total legal needs of the poor. Estimates provided to the committee indicate that due to present limitations on the program's size, only 15 percent of the poor have access to Legal Services or VISTA lawyers, that there are few projects in rural and sparsely populated areas such as Appalachia, and that many of the country's metropolitan areas have no organized legal aid services.

TARGET AREAS OF UNMET LEGAL SERVICES FOR THE POOR[1]

METROPOLITAN AREAS OF OVER 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES, COMBINED POPULATION OVER 2 MILLION

Glendale, Calif	119, 442	Asheville, N.C	143, 000
Fort Lauderdale, Fla	441, 000	Steubenville, Ohio	170, 000
East Moline, Ill	339, 000	Altoona, Pa	137, 000
Joliet, Ill	191, 617	Memphis, Tenn	818, 650
Anderson, Ind	130, 000	Galveston, Tex	157, 000
Muncie, Ind	117, 000	Norfolk, Va	715, 409
Terre Haute, Ind	167, 000	Wheeling, W. Va	281, 000
Lexington, Ky	159, 000	Green Bay, Wis	137, 000
Jackson, Miss	271, 546		

CITIES OF 75,000 TO 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES

Cedar Rapids, Iowa	103, 545	St. Joseph, Mo	79, 673
Davenport, Iowa	95, 796	Springfield, Mo	95, 865
Sioux City, Iowa	89, 159	Raleigh, N.C	105, 722
Fall River, Mass	99, 942	Hampton, Va	89, 258
Lowell, Mass	92, 107	Huntington, W. Va	83, 627
Quincy, Mass	87, 409		

CITIES OVER 100,000 POPULATION HAVING NO ORGANIZED LEGAL AID SERVICES

Columbus, Ga	116, 779	Portsmouth, Va	144, 773
Newport News, Va	113, 662		

CITIES HAVING NO ORGANIZED LEGAL AID SERVICES (BUT HAVING A VOLUNTEER BAR ASSOCIATION ASSISTANCE PROGRAM)

Mobile, Ala	202, 779	Tyler, Tex	51, 230
Montgomery, Ala	134, 393	Bellingham, Wash	34, 688
Chico, Calif	14, 757	Yakima, Wash	43, 284
Abilene, Tex	90, 368	Oshkosh, Wis	45, 110

[1] Source: National Legal Aid and Defender Association.

The committee learned, moreover, that last year OEO received applications from over 100 communities, totaling $40 million, for new legal services programs which it had to turn down for lack of funds.

In response to this need, the American Bar Association recommended in 1967, and again this year before the Employment, Manpower and Poverty Subcommittee, that funding for the Legal Services program be increased to $90 million. With that authorization, several improvements could be made:

First, existing offices could improve services by increasing the number of lawyers and paralegal assistants assigned to them, decreasing the case load burden, and allowing for more work on time-consuming appellate litigation.

Second, 200 new offices could be opened in areas not now reached by the program.

Third, an additional 600 lawyers could be put in the field, raising the total to 2,000; 1,500 lawyers could be added overall.

Fourth, attorneys' salaries could be increased where necessary to compete in the national market for "poverty law" specialists and experienced trial and appellate attorneys.

Fifth, support could be given innovative "research and demonstration" programs, providing for the conduct of study into judicial administration and minority legal education. Specifically, support for

one important demonstration project now being funded partially through OEO legal services, the "Council for Legal Educational Opportunities," could be raised to an adequate level.

The committee has heard excellent testimony about the work of the Council on Legal Education Opportunity, called "CLEO." CLEO is conducting programs designed to make available to disadvantaged students opportunities for law study and to facilitate the entry into the legal profession of members of disadvantaged groups. This will increase the availability of legal services to the poor by members of those groups. The committee is very impressed with these efforts, and feels that it would be highly appropriate for the Office of Economic Opportunity to continue supporting the summer remedial institutes and to begin exercising its existing authority to help the students meet the costs of the subsequent phases of their studies. Part of the reason the committee earmarked and increased authorizations for the legal service program was to make additional funding available for these purposes. The committee believes, therefore, that a portion of any increased appropriations for legal services should be used for CLEO.

By increasing legal services' funding to $90 million in fiscal year 1971, $35 million could be provided for the funding of existing programs, $29 million could be allocated to the expansion of those programs, $8 million could be allotted for new programs in cities, $13 million could be earmarked for new rural projects, and $5 million could be reserved for demonstration projects such as CLEO. This support would provide what the American Bar Association considers as "absolutely the minimum acceptable." The committee concurs in this judgment.

H. Comprehensive Health Services

In addition to the $80 million earmarked for the Comprehensive Health Services under section 3(b), the committee recommends an additional $40 million for fiscal year for 1970 and $80 million for 1971 under section 3(c).

The committee feels strongly that adequate health care and services are necessary for the success of any effort to improve the quality of life for our Nation's poor. Many millions of men, women, and children living in poverty are denied the benefits of adequate health care. In a Nation proud of its scientific achievement, the poor see their futures marred by sustained, disabling illness and limited by a shorter life expectancy. Efforts to obtain even basic medical care are too often frustrated by a variety of barriers existing in an inadequate health services delivery system.

The Comprehensive Health Services program authorized under section 222(a)(4), has been extremely successful. The program is based on two fundamental assumptions: (1) good health is critical to realize the benefits of educational and employment opportunities and to achieve other steps necessary to break the cycle of poverty and to enhance the quality of life; and (2) comprehensive health services for the poor require major changes in current practices in order to overcome traditional barriers and to insure that such services are fully responsive to urgent needs.

Forty-nine Comprehensive Health Services projects are now receiving assistance from the Office of Economic Opportunity. As of June 1,

42 projects were fully operational in providing health services. The total population to be served by the 49 projects include about 1 million persons; approximately 400,000 are now registered.

The 49 projects are exploring a wide variety of approaches to improving the delivery of health services to the poor. Thirty-six projects are in urban areas and 13 are in rural communities. Twelve are administered by hospitals, 10 by medical schools, nine by new neighborhood health corporations, seven by health departments, and the others by different health and community agencies.

In implementing the Comprehensive Health Services program, continuous emphasis has been given to experimentation and innovation. New methods of providing "coordinated family care" are being tested and evaluated. These projects extend "group practice" techniques by emphasizing consumer participation in planning, family relationships, outreach services, and new role for supporting health workers. Family health workers, recruited from the poverty neighborhood and trained over 6 to 12 months, help improve communication and effectiveness between the health center and the neighborhood. Altogether, over 3,000 neighborhood residents are being employed, many of whom are being prepared for new careers in the health field.

New forms of organizing and administering health services are being developed through the involvement of poor consumers, health professionals and other concerned community agencies on governing boards and advisory councils. These groups are learning ways in which providers and consumers can join together more effectively in planning and carrying out community health care projects. New community-based health corporations have been established in about 15 areas. These organizations are also developing techniques and skills that will be useful in handling other social problems.

In its report to the Subcommittee on the Comprehensive Health Services program, the Office of Economic Opportunity listed a number of contributions and accomplishments:

1. National and community attention have been increasingly focused on the serious unmet health needs of the poor.
2. Neighborhood residents have been encouraged and aided to participate more actively and effectively in planning and developing health services and to extend their skills and capabilities for doing so.
3. Health care providers of all types—including hospitals, medical schools, medical societies, and health departments—have been stimulated to aid the development of high quality health care programs for low-income groups.
4. The feasibility of developing high quality, personal, dignified, ambulatory care services in poverty neighborhoods has been proven.
5. New methods of organizing comprehensive family health programs—combining preventive and curative services and providing services to all age groups—have been demonstrated and tested.
6. New methods of providing health care on a "team" basis, extending traditional group practice techniques, have been applied and evaluated.
7. The potentialities of expanding existing group practices to serve more poor persons have been explored.

8. New jobs for neighborhood persons have been opened, filling over 50 percent of the positions at the Centers.

9. New careers for poor persons utilizing their special capabilities—in such jobs as family health workers and advisors—have been initiated.

10. The advantages of combining health services and other community action antipoverty efforts have been highlighted and tested.

11. New nonprofit health organizations, bringing together users of services and health professionals in new patterns of relationships and responsibilities, have been established.

12. New training programs for health professionals, emphasizing the health conditions and needs of the poor, have been stimulated.

13. Medical and other health science students have been exposed early in their professional careers to the challenges and opportunities of community health services.

14. The responsibilities of other Federal health programs—such as partnership for health and regional medical programs—to give priority to the health needs of the poor has been encouraged.

15. Opportunities for integrating categorical health projects into more comprehensive services have been demonstrated.

16. Methods of channeling funds from titles 18 (medicare) and 19 (medicaid) into high-quality comprehensive health projects have been developed.

The OEO report went on to stress the broad support and success of the program:

> A nationwide response to the Comprehensive Health Services effort has come from both neighborhood groups and health agencies. Hundreds of communities have indicated interests in developing similar comprehensive services. A wide variety of health agencies have become engaged in this work or indicated a desire to do so—including hospitals, medical schools, medical societies, health departments, and group practices.
>
> The broad "institutional impact" of the program is indicated by the involvement of major private and public health organizations. Leaders of the American Medical Association, American Hospital Association, and the Association of State and Territorial Health Officers have endorsed this approach to strengthening health care for the poor; each of these agencies has conducted national meetings focused on health needs of the poor during the last year or so. A study of the Department of Health, Education, and Welfare recommended that over 600 neighborhood health centers be organized.

In light of the success of existing neighborhood health centers, and the need to expand both the traditional center and to move into new and innovative approaches, the committee added additional funds to the comprehensive health centers program.

While at present 49 neighborhood health centers service population areas of over 1 million, with an estimated 350,000 actually served in fiscal year 1969, it has been estimated that over 15 million persons could be served by the traditional neighborhood health center model.

Dr. Thomas Bryant, Assistant Director of the Office of Health Affairs in OEO, has testified that the sum of $90 million would enable

OEO to expand the number of neighborhood health centers by two, three, or four—to a total of 52 or 53. However, over 200 communities have submitted concrete proposals for neighborhood health centers. Approximately $400 million a year would be necessary to make this number of new centers fully operative.

In addition, new demonstration approaches—varying greatly from the traditional neighborhood health centers—are needed. New approaches and efforts would include—

Taking the neighborhood health center concept to hospitals;

Finding a way to apply the concept to more fragmented rural areas;

Encouraging medical schools to use this approach in their outpatient and inpatient activities.

The committee estimates that this alone would cost around $100 million per year.

The committee feels that in the context of the success of the program and the needs for expansion, additional funds of $40 million in fiscal 1970 and $80 million in fiscal 1971 are modest. As Dr. Jack Geiger, director of the neighborhood health center in Bolivar County, Miss., stressed in his testimony to the committee:

> The $90 million mentioned in the proposed amendment is just not enough. There are 50 such centers funded. They will be serving, within a year from now, a total of more than 1 million people. That is only $90 a person a year, even if you add on some supplemental State and Federal funding, and that is not enough.
>
> The poor have greater health needs than the rest of the population. Their health needs are costlier than the rest of the population. They have been neglected for too many years. I think a greater investment in comprehensive health services would pay off in the development of associated institutions and programs of the kind I have described in a way that shorter term emergency medical services while necessary would not be nearly as likely to pay off.

The additional funds approved by the committee would enable expansion of 10 to 15 new centers of the traditional type, as well as expansion into new and innovative areas.

The Economic Opportunity Amendments of 1967 provided that health services funded by OEO grants are to be made readily accessible to low-income residents of poverty areas. That language should not be construed to exclude residents of the area who have need of such assistance even though their incomes are not below the poverty level. In determining the location of such services, primary concern must be given to providing ready access to such services for those who are poor, but individual eligiblity for such services should not be restricted by a strict means test.

I. Emergency Food and Medical Services

The Emergency Food and Medical Services program (EFMS) became part of the Economic Opportunity Act in December 1967. Since then, OEO has spent $37 million, $13 million in the latter half of fiscal 1968 ($3 million of which was transferred to the Department of Agriculture to finance its food stamp program) and $24 million in fiscal

1969, to help assure the poor adequate nutrition and freedom from nutrition-related health problems. The OEO budgeted $25 million for EFMS for fiscal 1970. The committee believes this should be substantially increased.

OEO now operates over 400 EFMS projects through community action agencies that cover about 1,000 counties, including nearly all of the Nation's 256 poorest jurisdictions. Through the direct provision of food aid to over 90 percent of its clients in the form of cash or vouchers to purchase food stamps (in food stamp areas) or foodstuffs (in commodity distribution counties or places without any Federal family feeding assistance) or school lunches, EFMS has become the one OEO program effectively to reach the poorest of the poor and help meet their basic need for food. By providing services such as outreach, transportation, and staffing of offices, EFMS has managed to increase participation in existing Federal food programs in many counties by as much as 15 percent.

Though approximately 50 research and development grants, EFMS has sponsored innovative work in combating hunger and malnutrition by—

Delivering food and nutrition education to Indians on remote reservations and migrants who have never been effectively served by other food programs;

Field testing in four locations the supplying of supplemental food packages to pregnant and lactating women and their preschool-age children, particularly at OEO neighborhood health centers;

Exploring (in New Jersey) a comprehensive approach to school feeding;

Facilitating feeding of the elderly through senior citizens' kitchens and communal or home food delivery by Meals-on-Wheels groups;

Involving VISTA volunteers as health and hunger advocates on behalf of the poor;

Organizing rural cooperative projects focusing on farming in Mississippi, Missouri, and North Carolina, on canning produce in South Carolina and Virginia, on freezing foodstuffs in Colorado, and fishing in Hawaii;

Creating new approaches to nutrition education, including a training course in OEO neighborhood health centers run by the Bureau of Federal Credit Unions in HEW; and

Studying methods of employing fortified foods to improve the nutritional status of the entire population (with Pillsbury, Monsanto, and Ballantine); and developing minority group business opportunities in the processing and distribution of such special foods.

The results have been meaningful, but the problem of overcoming hunger and malnutrition on the local level, unfortunately compounded by the inadequacies of existing food programs administered by the Department of Agriculture, far exceeds the $25 million scheduled by OEO for EFMS purposes in fiscal year 1970. A total of $25 million would barely serve to keep the present programs in place after taking into account food help already rendered to sufferers from Hurricane Camille. At an expenditure level of $25 million no new programs could be contemplated and old ones would be compelled to curtail their desired

growth rate. Meanwhile, the 20 million poor Americans who presently receive no form of Federal family food aid and the 5 million poor children who are denied lunch at school would be left to their own limited devices. Even though the majority of the unreached poor live in areas where Federal aid is hypothetically available and could be secured, it seems clear that the many barriers to participation will not be removed except through program changes and vigorous action by community action agencies with expanded EFMS funds.

Major impetus in the direction of program reforms has come from the Senate Select Committee on Nutrition and Human Needs, chaired by Senator George McGovern, of South Dakota. It is this select committee that painstakingly documented the fact that lack of money affects to some degree the nutritional health of 25 million poor Americans. It was the members of that committee who prompted the Senate this September to adopt a substantially revised food stamp program authorizing coupon bonuses that could amount to $1.25 billion in fiscal 1970. That bill is an important step forward. It would, if passed by the House, make the benefits more meaningful (up to $1,550 a year in stamps for a family of four) and the user purchase requirement less severe (maximum of 25 percent of income, but no payment necessary for a family of four with an annual income under $775). It would extend eligibility to all families of four whose yearly income did not exceed $4,000. It would allow food stamp users to buy a varied portion of their monthly quota of stamps on at least four occasions during each month. It would ease the certification bottleneck by permitting the filing of declaration forms to substitute for investigations and snooping. It will also require Federal payment of all the costs of issuing food stamps and collecting the purchase price once eligible families are certified to participate.

But the Senate enacted food stamp bill would by no means eliminate the need for the Office of Economic Opportunity's emergency food program. On the contrary, the Senate food stamp bill will vastly increase the need for EFMS outreach efforts. The Senate bill would lower the major barrier to food stamp participation by decreasing (and, in some instances, abolishing entirely) the purchase price of stamps and by increasing the bonus value of stamps. It is this cost benefit problem which under the present program prevents 80 percent of the poor living in counties in which stamps are for sale from participating. The Senate bill will thus assure that eligible poor persons are able to take advantage of the newly attractive cost-benefit ratio.

At the same time, however, the Senate bill, by adding perhaps as many as 10 million persons to the food stamp rolls, will require vastly increased outreach efforts.

Success of the reformed food stamp program will depend largely upon the ability of Federal and local agencies to provide outreach—to seek out eligible families, inform them of the program and their right to participate, and see that they are given the opportunity to become certified.

The Senate food stamp bill requires the food stamp program be administered to insure that participants receive the necessary instruction and education so that they can spend their food stamps wisely. It also requires that it be administered to insure that all eligible families are informed of the program and assisted in becoming certified. These outreach and education efforts would be conducted through

existing Federal, State, local, and private agencies. The Senate food stamp bill does not, however, provide funds specifically for outreach and education services. Nor does it allocate program funds for these purposes.

The EFMS program currently operates through more than 400 community action agencies, mostly serving rural areas. CAA's provide the best local vehicle for the carrying out of the outreach and education mandates of the Senate food stamp bill. Funding is necessary first of all to extend the EFMS program to every CAA in the United States.

CAA's clearly offer the best hope for making our food programs work in the areas served by an additional 600 CAA's, primarily in urban areas. Where CAA's have not been formed, emergency food grants should go to single purpose agencies, such as health centers, to assure delivery of food to the poor. New programs in the locations in which EFMS does not exist could by themselves consume $75 million in this fiscal year and $150 million next year based on funding levels in the few cities such as Boston, Gary, and Milwaukee which run partial programs.

EFMS programs already in operation will require new funds over and above the current fiscal 1970 budget of $25 million just to handle increased outreach efforts under the Senate food stamp bill, since the food stamp bill does not specifically furnish funds to local governments to enable them to hire personnel to inform the poor of the existence of food stamps, to advise them of their rights, and to help them to apply for stamps. The bill would encourage that activity, but it would be financially up to community action agencies to supply neighborhood workers to fill that vital gap. The Department of Agriculture's Extension Service has some nutrition aides who are supposed to contact the poor to educate them about nutrition, but these aides can only offer program information without the essential backup assistance of transportation and funds available under EFMS from poverty outreach workers.

EFMS grantees will also continue to be called upon to bring food stamp facilities and the potential recipients together in order to overcome the physical distance that frequently separates the two. EFMS programs have done this in the past in two ways. They have moved the stamps to the people by assisting local governments to decentralize certification and issuance offices, by operating such offices themselves in the heart of low-income areas, or by employing mobile facilities. They have, in the alternative, moved the people to the stamps by transporting them to and from the certification and issuance offices.

Regardless of the enactment of progressive food stamp legislation, EFMS, if properly financed, will continue to play a significant role during fiscal years 1970 and 1971 in relation to commodity distribution and school lunch and other child feeding programs. The delivery system implementing commodity distribution is subject to many of the same infirmities as the food stamp mechanism—only more so. The outreach and certification needs of the two programs are comparable, but the transportation and issuance requirements for commodities are undeniably more substantial.

Even assuming that delayed House action on food stamps does not postpone the date, the earliest date on which all features of the Senate-passed food stamp bill would be phased in fully would be

January 1, 1971. After that date, the Secretary of Agriculture must administer a food stamp program through a public or private nonprofit agency where there is no food stamp program meeting the requirements of the food stamp legislation. (It should be noted that an agency which had carried out an emergency food and medical services program with OEO funding could appropriately be the contracting agency for such purpose.)

Until that date, there will clearly be a need for substantial OEO funding to enable emergency food programs to provide food to hungry people in areas not covered by an adequate food stamp program. Many of the 3.5 million persons enrolled in the commodity distribution program need EFMS services to help them bring home the 15 pounds per person per month of foodstuffs available under the commodity distribution program.

The demands of the school lunch program are equally insistent. No pending changes in that legislation even approach authorizing the $464 million Federal investment necessary to permit our schools to serve a free and reduced price lunch every school day to the Nation's 8.4 million poor pupils.

EFMS, as indicated above, is not merely a program designed to facilitate the use of other existing food assistance efforts. It is also intended to be a creative instrument developing through research and demonstration grants new approaches to feeding the poor and assuring their nutritional well-being. No other Federal agency is given or deploys its funds with these objectives in view. The Department of Agriculture is extremely limited in its ability to experiment and innovate. This committee expects that EFMS will, in the forthcoming fiscal years, continue, if not amplify, its present support for projects concerned with reaching the aging, Indians, migrants, and the rural poor as well as those that foster minority business involvement in all facets of the food industry and explore methods for utilizing our schools as institutions for delivering food to poor people of all ages.

This committee also anticipates that EFMS will enlarge the scope of its research and development activities to include programs involving environmental health, food and nutrition services in neighborhood health centers, and the study of food patterns of the various poverty subcultures in the United States.

The OEO guidelines pursuant to which EFMS now operates generally restrict the provision by grantees of medical services to correcting "health problems that are directly caused by or directly related to malnutrition, hunger, or starvation." The combination of this limitation, which has made it virtually impossible for community action agencies to determine who is and who is not entitled to be referred for treatment for malnutrition, and the unavailability of medical staff in some areas, has rendered the medical services aspect of EFMS marginal at best. The committee believes that, given the limited funds to be allocated among competing uses even after increased authorization, EFMS should concentrate on preventive rather than therapeutic medical programs. In particular, EFMS should focus its energies upon programs aimed at environmental health and sanitation through guaranteeing clean water and sanitary sewage disposal that will help prevent waterborne disease and eradicate the intestinal parasites that contribute to the poor nutrition of children.

EFMS should also undertake to prompt OEO's 49 neighborhood health centers to develop comprehensive food and nutrition programs, including nutrition education as well as a complete range of delivery of food to all age groups in the target population. Finally, EFMS should begin to investigate the food and shopping preferences of the poor in order to lay the foundation for more effective efforts to market high-quality nutritious foods.

J. Family Planning

Through its Community Action Agencies, OEO operates family planning programs to make available to low-income individuals the means to fulfill their own wishes as to how many children they will have and when. Typical services offered include outreach, education, counseling, medical examination, laboratory tests, contraceptive supplies, and referral of individuals troubled by infertility. In some communities a hospital or health department provides the services while in others a clinic operated by a CAA or a planned parenthood affiliate has operating responsibility.

OEO estimates the need for family planning programs at 5.3 million medically indigent women, from 15 through 44 years of age.

The President's Committee on Population and Family Planning has provided assurances that OEO family planning programs supplement rather than duplicate those sponsored by the Department of Health, Education, and Welfare.

OEO family planning funds for fiscal 1968 totaled $9 million, and 160,000 persons were served that year. For fiscal 1969, funds totaled $12.6 million, and 240,000 were served. For fiscal 1970, both the previous administration and the present administration requested $15 million, to serve an estimated 280,000 persons. The committee authorized this amount for both fiscal 1970 and 1971.

OEO estimates that about 750,000 persons are receiving family planning services from all public and private agencies combined.

K. Senior Opportunities and Services

In addition to the $8.8 million specifically earmarked for the senior opportunities and services program of section 221(a)(8), the committee authorized an additional $1.6 million for fiscal year 1970 and $3.2 million for fiscal year 1971.

The committee recognizes the importance of senior citizens and antipoverty programs. In the United States today, 19 million of its citizens are 65 or older. Of these, 40 percent are poor or near poor. Five million fall below the poverty line.

The senior opportunities and services programs support a number of efforts to meet the needs of low-income older persons through senior citizens centers, neighborhood outreach programs, home health aids, health planning, homemakers, food distribution, and community involvement. Other services such as transportation, consumer education, job employment and home day care for the infirm elderly are also provided. In addition, a new national demonstration program has been initiated for special legal services for the older poor.

The $8.8 million requested in the administration budget would hold Senior Opportunities and Services programs to the present level of slightly over 200.

However, at the end of June 1969, approximately 300 new proposals, totaling an additional $12 million had been submitted and were awaiting funding.

Over $20 million would be required to fund all valid proposals. In light of these needs, the committee approved a modest increase to allow some expansion of the senior opportunities and services program.

Under section 222(a)8, the Senior Opportunities and Services program calls for the creation of all season recreation and service centers for older persons. The record of this program has been dismal. The committee believes that there has been far too few resources devoted to the development of such centers and that there should be a substantial increase in the number of such centers constructed under the authority of this act. The Office of Economic Opportunity shall furnish the Congress data on the number and operation of such centers for the elderly at the end of each fiscal year.

L. Rural Loans

The purpose of this program is to stimulate economic development and income potential among the rural poor. Although the demand for loans far exceeds money available, the act authorizes loans to low-income rural individuals of up to $3,500, to be repaid in 15 years at 4⅛ percent interest. It also authorizes loans to cooperatives made up of low-income families for up to 30 years, with the same interest rate but no ceiling on the maximum loan. Professional counseling and technical expertise are provided along with the loans. The loans are used primarily to buy farm machinery and equipment, real estate, or to develop small nonfarm enterprises.

The rural loan programs are administered by delegation from OEO to the Department of Agriculture, Farmers Home Administration.

This program has been severely restricted by funding constraints. For fiscal 1968, $14.5 in new obligational authority was authorized for loans and $2.5 million for program direction. For fiscal 1969, only $3 million was authorized for loans and $3 million for program direction. For fiscal 1970, both the previous administration and the present administration requested $8.5 for new loans and $3.5 million for program direction—a total of $12 million. The committee bill authorizes this amount for each of the fiscal years 1970 and 1971.

Coupled with repayments to the revolving fund, this would permit a loan level of $19 million for fiscal 1970.

M. Migrant and Seasonal Farmworker Assistance Programs

The committee recommends increasing the authorization for title III–B migrant and seasonal farmworker programs to $41.5 million in fiscal year 1970 and to $49 million in fiscal year 1971.

The committee believes that migrant workers have been ignored or excluded by too many Government programs for too long. An important beginning toward responsiveness to migratory labor programs has occurred under title III–B of the Economic Opportunity Act. But only about 212,000 of the estimated 1 million migrant farmworkers and their families—barely 20 percent—are presently served by title III–B programs. Most disturbingly, only 33,600, or less than 4 percent, are served by programs designed to assist the migrant farmworker and his family settle out of the migrant stream. The committee feels

that it is time to substantially increase the funding of this program, and recommends these increased authorization levels as a first step toward that end.

This recommendation is based on the committee's realization of the unique and severe problems facing our Nation's migrant and seasonal farmworkers.

Because they are a highly mobile group, and because many of our laws and programs require permanent residence as a condition for eligibility or participation, in practice migrant farmworkers have little or no opportunity to participate in local antipoverty programs, or most other Federal programs designed to serve the poor.

Furthermore, the committee recognizes that farmworkers are excluded, or at best only minimally included, from almost every major Federal and State legislative program designed to protect or improve living and working conditions for farmworkers in this country. Fortunately, special programs focused on migrant workers such as the Migrant Health Act, and the migrant education program under title I of ESEA have been established, as well as the title III–B program in the Equal Opportunity Act.

There are several very important aspects of title III–B programs that clearly distinguish them from other antipoverty programs and other Federal programs. Specifically, title III–B programs concern an occupational group, rather than an age group or geographic community, and this occupational group of farmworkers is one whose skills are rapidly being mechanized out of existence. Recent Federal Government reports indicate that by 1980 nonfarm jobs must be found for 40 percent of the current farm-labor work force. Title III–B programs have quite appropriately addressed themselves not only to the immediate needs of migrant and seasonal farmworkers but to the problems of massive job displacement that are plaguing this work force.

Presently there are four major types of programs operated under title III–B. First, to meet the problems of increasing job displacements, OEO is making an effort to establish reemployment and adjustment assistance programs to capitalize on the expertise of public agencies and private industries in the effort to find permanent employment for displaced farmworkers.

Second, to provide community stability for farmworkers through improved employment opportunities, there are migrant education and training programs such as the high school equivalency program, basic education and training programs, and part-time education.

Third, housing needs of migrant and seasonal farmworkers are addressed by OEO-funded programs such as self-help housing, and services that assist farmworkers in gaining maximum participation in other Federal housing programs.

Fourth, there are in-stream migrant assistance programs which are intended to serve the dual function of providing immediate services to migrants while they are within the migrant stream, and of promoting quality and interstate cooperation among OEO-funded migrant programs. Day-care centers, service centers, temporary housing, and supportive services such as training and technical assistance are included in these categories.

In proposing these increased authorizations for these important programs, the committee intends that a substantial portion of any in-

creased funds be devoted to those programs that aid the migrant farmworker in settling out of the migrant stream. Specifically, programs for migrant reemployment and adjustment assistance through training, placement, and resettlement assistance, as well as private incentives for manpower development, offer real hope to migrant and seasonal farmworkers facing the threat of further mechanization and unemployment. This approach in particular would go far toward helping migrant workers establish themselves in a community and remove themselves and their families from the grips of poverty.

N. Administration and Coordination

For the overall direction, management, coordination, and support of the various OEO programs, $12.9 million was spent in fiscal 1968 and $15 million in fiscal 1969. The OEO submitted the following statement in support of a request for $16 million for administration for fiscal 1970:

> The 1970 estimates provide for the continuation of staffing at the 1969 level and an increase in funds of $1 million, primarily for mandatory salary increases and increased management support costs. Within these levels, the OEO administrative staff will provide effective and innovative leadership for the Nation's war on poverty and continue to seek more efficient ways to manage the program.

The committee accepted the administration's estimate of $16 million for administration costs and authorized this figure for both fiscal 1970 and 1971. (Additional funds are available for program direction under title II of the act.)

These funds cover the operation of the Washington headquarters office and seven regional offices.

O. VISTA Program

The volunteers in service to America program, originally conceived as the "domestic Peace Corps," sends full-time volunteers into poverty communities to live and work with the poor for a year or more. It also enlists additional volunteers for summer and part-time service.

The program began in fiscal 1966 with a budget of $16 million and 3,500 full-time volunteers. For fiscal 1969, the program received a budget of $32 million and operated a team of 5,600 full-time volunteers, 1,500 summer volunteers, and 60,000 part-time volunteers.

For fiscal 1970, OEO requested a budget authorization of $37 million to finance 6,200 full-time volunteers, 1,500 summer volunteers, and 100,000 part-time volunteers. The committee bill authorizes this amount for fiscal 1970 and 1971.

Applications from people wishing to serve as volunteers, as well as applications from communities and agencies desiring such assistance, continue to run far above the number which can be accommodated.

Volunteers range from 18 to 80 years of age. Recently, the agency has emphasized recruitment of more mature and skilled applicants, with particular emphasis on those with professional skills—lawyers, architects, planners, teachers, and nutritionists. Volunteers are assigned to local public and private sponsoring organizations at the

request of these institutions. They work with Indian tribal councils, hospitals, universities, State OEO offices, and community action agencies.

P. Day Care Projects

The Economic Opportunity Amendments of 1967 authorized a new program (title V–B) to provide day care for children from families needing such assistance to become or remain self-sufficient. Senator Javits sponsored the establishment of this new program in the 1967 amendments.

Although the title V–B program has been on the books for nearly 2 years, neither the previous administration nor the present administration has up to this date allocated any funding for the program. Under the title V–B program, two categories of financial assistance may be provided to appropriate public and private agencies to carry out day care projects:

1. Day care projects for children from low-income families or from urban and rural areas with large concentrations or proportions of low-income persons—for these projects Federal financial assistance may not exceed 90 percent of the project cost.
2. Day care projects carried out by employers, labor unions, or joint employer-union arrangements at or near the place of employment or training—for these projects Federal financial assistance may not exceed 50 percent of the project cost.

The Congress recently enacted a bill (S. 2068) which amended section 302(c) of the Labor-Management Relations Act to permit employer contributions to joint labor-management trust funds for the establishment of child care centers for preschool- and school-age dependents of employees.

In testimony before the committee, Mr. Andrew J. Biemiller, legislative director of the AFL–CIO, urged the importance of enacting both the above-described legislation to permit joint labor-management trust funds for child care centers and the funding provisions for title V–B under the present bill.

These pieces of legislation supplement one another. Title V–B funding would afford seed money, to be added to employer and labor union contributions, to assure high-quality day care centers which would be more than mere custodial facilities. Such projects must provide needed health, education, social, and other supportive services. Title V–B provides that the major part of the project cost for day care centers at places of employment and training must come from private sources.

As this committee stated in its report (S. Rept. 91–293) on the child care center trust fund legislation (S. 2068):

> According to data supplied by the Department of Labor, 10.6 million mothers with children under 18 years of age were working in March 1967. Of these children, 4.5 million were under 6 years of age. At the same time there were available only 531,000 spaces in licensed day-care centers and family homes. It is clear that many mothers are consequently forced to make unsatisfactory child-care arrangements while they work.

> Day-care centers operated by qualified personnel would serve important needs of mothers, their children, and employers. Mothers who must work would surely feel more secure knowing that their children were being well cared for, and problems of absenteeism, tardiness, and turnover resulting from unsatisfactory child care arrangements would undoubtedly be reduced. The children themselves would benefit from the environment of a good child care center. The availability of day-care centers would obviously be a major attraction to mothers seeking work, and many industries which rely heavily upon women for their work force might find these centers advantageous in hiring and retaining employees.

On September 19, 1969, Senator Javits wrote to Director Rumsfeld requesting that the Office of Economic Opportunity undertake a comprehensive and detailed study of all Federal day-care efforts and submit a report of the findings, together with recommendations for further action, to the Committee on Labor and Public Welfare. Mr. Rumsfeld responded that he considered it appropriate for his office to undertake such a study, and indicated that he would pursue the matter with the departments involved.

IV. EVALUATION OF ANTIPOVERTY EFFORTS

The committee feels strongly that evaluation of Federal antipoverty programs should be far more extensive and far more comprehensive. Approximately $24.4 billion was appropriated for Federal antipoverty programs in fiscal year 1969, including about $1.9 billion appropriated for OEO programs. The antipoverty programs are disbursed among 10 Federal departments and agencies. The resources can be effectively used only if the administration of the several programs is properly coordinated and interrelated.

S. 1809 as originally introduced in the Senate by Senator Nelson on April 15 would have required the President to appoint and activate the Economic Opportunity Council in accord with the provisions of the Economic Opportunity Amendment of 1967. The Council has never been formed and it could become the vehicle for a wide-scale evaluation. S. 1809 also would have strengthened the nature of the Council.

The committee decided, however, to drop the provision which would have required the President to appoint the Council. There were several reasons for the committee's action. First, the committee has no desire to appear to be attempting to mandate the manner in which the President organizes the White House. Second, the committee hopes that the President will give consideration to the committee's views and might soon appoint the Council or a similar committee which will concern itself not only with problems of urban poverty, but rural poverty as well. Third, the committee is impressed by statements of the present OEO Director, Mr. Rumsfeld, and his agency that broad-scale evaluations will be given high priority.

Importance of evaluation

As Director Rumsfeld testified before the Subcommittee on Employment, Manpower, and Poverty with regard to extension of the Economic Opportunity Act:

> The evaluation of programs must be one of the most important activities of the Office of Economic Opportunity. It appears to be one of the most neglected. OEO has only recently completed the first evaluation of the national impact of one of its major programs.
>
> Until last year, this agency had no systematic process for initiating and conducting evaluation. The state of the art of evaluating social programs is still primitive. I intend to devote more of OEO's resources to evaluation and to work with other Federal agencies in developing a more effective evaluation capability.

He continued:

> Innovation will be meaningless unless it is coupled with penetrating evaluation. We must define objectives in both qualitative and quantitative terms. We must test alternatives, and we must be equipped to measure progress or failure against defined goals.

The committee agrees with the high priority which Director Rumsfeld puts on evaluation, supports his commitment and looks forward to following closely the Office of Economic Opportunity's activities in this regard.

Need for overall planning

As Mr. Rumsfeld indicated in his testimony, evaluation and planning in the past has been deficient. The report on the Office of Economic Opportunity prepared by the Government Accounting Office confirmed the observation:

> Past evaluations at OEO have not provided information that is pertinent for planning of broad changes in program orientation.
>
> There is a pronounced need for evaluations that are national in scope and coverage in order that the overall impact of the antipoverty program may be adequately assessed.

A primary problem has been not enough emphasis on nationwide evaluations of overall program effectiveness. A large number of comparatively limited evaluations relating to the different programs have been carried out. But large-scale evaluations, based on national samples and using sophisticated research designs with control groups and longitudinal measures of change, have been almost nonexistent. As a result, while there are quite a number of studies which have provided useful knowledge about ways to improve program operations, there have been few, if any, studies that indicate what the overall impact of major OEO programs has been.

Cross-agency evaluation and coordination

One of the most important needs at present is a cross-agency evaluation of the overall effectiveness of all Federal programs and activities in eliminating poverty in the Nation. Fragmented evaluations of individual programs have been carried out. But we lack a broad and coordinated overview of the full Federal effort. As a result, the committee feels that we do not have sufficient information on whether the overall Federal antipoverty effort is reaching the intended target

groups, and whether the overall Federal effort is as efficient and effective as it can be given the amount of resources which the Federal Government is willing to dedicate to eliminating poverty.

The need was summarized well in the GAO report:

> The planning and coordination of the aggregate antipoverty efforts of the Federal Government that the Congress directed, when enacting the Economic Opportunity Act, have not been carried out. The organizational machinery and processes for carrying them out do not exist. Yet the magnitude of the annual expenditure for these efforts, the interrelationship of programs being carried on by separate departments and agencies, and the relative novelty of some innovative programs being launched make careful planning and continual, close coordination essential.

As Richard Boone, vice president of the Center for Community Change, testified before the committee:

> Ultimately, program evaluation should be the responsibility of a separate unit independent of all Federal agencies. Until such a Federal office is established OEO should be given the effective authority to evaluate the effectiveness of all Federal programs pertaining to poverty.
>
> There must be thorough and objective assessments of programs far beyond those administered by the Office of Economic Opportunity.

The committee is pleased that the present Director, Mr. Rumsfeld, intends to stress this need for cross-agency evaluation. The Congressional Presentation on Economic Opportunity programs, prepared in May 1969, by the Office of Economic Opportunity, indicated this intention:

> At the present time it is expected that, in addition to managing the projects still ongoing at the end of fiscal year 1969 * * * programs will be initiated in the following areas: * * * *Development of a major cross-agency study which would comprise a coordinated evaluation of all U.S. Government antipoverty programs.* Such an evaluation would be a much larger program than anything which has ever been done before, and planning and coordination will in itself be a substantial effort.

These efforts by Mr. Rumsfeld should meet the aim of the initial Senate bill, S. 1809, that there should be an evaluation of "the overall effectiveness of Federal programs and activities in eliminating poverty in the Nation."

Five-year national poverty plan

The committee is distressed that the 5-year national poverty action plan called for in section 632 of the Economic Opportunity Act has never been released to Congress. Legislation explicitly states, "The plan should be presented to the Congress and updated on an annual basis."

The coordination of several antipoverty efforts at the national level to be effective needs to be rooted in a comprehensive considered plan that is developed in consultation accepted by the several depart-

ments and agencies involved is enforced by the President and the staffs of the Executive Office agencies in his behalf and is made known to the Congress.

The Director of the OEO, with the aid of a research planning and evaluation staff, prepared the first 5-year national poverty action plan in 1965. It revised this plan annually, refined its methods of planning and consulted with the several gencies and departments involved each successive year. It submitted the original and revised plans each year to the Bureau of the Budget. However, the President did not permit the Director to make successive plans available to the Congress.

Consequently, the 5-year national poverty action plan has had little discernible influence as a means of coordinating the various antipoverty efforts of the Federal Government and of insuring the economical application of resources made available by the Congress.

The committee hopes and expects that the present Director will carry out the mandate of Congress in transmitting the 5-year national poverty plan to the Congress.

As Mr. Rumsfeld himself testified before the committee:

> I believe that the Congress should be made aware of the results of such evaluations so that the legislative and executive branches are dealing with the same set of facts.

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

The committee hopes that the President and the Director of OEO will fully utilize the abilities and the potential of the National Advisory Council on Economic Opportunity, created under section 605 of the Economic Opportunity Act.

In the past, the Council's activity has been limited—for the most part resulting in partial evaluations of the Community Action program. The committee feels that greater independence and resources for the Council can be of greater guidance both to the executive branch and to Congress.

As of the writing of this report, of the 21 positions on the Council 14 were vacant and the last 7 were due to expire in March 1970. The committee hopes that the President will promptly appoint persons experienced in antipoverty efforts to the Council. Such persons include individuals broadly representative of the fields of health care, education, child development, senior services, legal services, manpower training and job development, housing, transportation, economic and business development, community organization and, in general, social program planning and implementation. Members should include local administrators of antipoverty programs and persons from the group served by programs under this act and other Federal programs designed to assist low-income individuals.

The committee feels further that the Council should have broad authority to review the operations of the Economic Opportunity Act and other Federal programs designed to assist low-income individuals and families, and evaluate their effectiveness in meeting the needs of such persons in eliminating poverty. The Council could recommend basic policies and priorities with respect to such programs and activities. It could evaluate and comment upon the 5-year national poverty action plan. It can in addition, advise the Director with respect to

policy matters arising in administration of the Economic Opportunity Act and any other matters relating to the purposes of the Act in which their advice may be requested.

V. INCREASED FLEXIBILITY IN USE OF FUNDS

The committee understands the need for affording the administration a substantial degree of flexibility in the use of funds. While setting a basic level of earmarked funds for parts of the act and for special emphasis programs, the committee recognizes that in administering the program some leeway must be given for changes from the original allocations.

Section 616 of the existing law authorizes the transfer of up to 10 percent of the funds earmarked for a particular program to other programs, but the current law places an upper limitation so that such transfers may not increase funds for any other program by more than 10 percent. The committee feels that the upper limitation on funds which may be transferred into a program is unduly restrictive and therefore the committee bill removes that restriction.

With respect to the amount that may be transferred out of any category, the committee bill increases the percentage limitation from 10 to 15 percent maximum on the amount which may be taken out of the earmarked categories.

The 15-percent transfer provision is, according to the terms of section 616, applicable to all allocations, whether the limitation is made in this legislation, in the basic law, or in the appropriations legislation.

VI. ADVANCE FUNDING

Testimony before the committee was unanimous in favor of the advance funding authorization.

Local agencies, particularly Headstart projects, need to know what funds will be available to them at the beginning of the fiscal year. The uncertainty of late appropriations results in less efficient and well-planned program development.

The committee bill therefore includes advance funding authority which is the same as is now applicable to funding under the education laws and identical to the advance funding authority the administration has requested in its proposed new manpower and welfare bills.

VII. PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

Under the existing practice, a small percentage (10 percent) of nonpoor children are permitted to participate in Headstart projects. While the committee desires in no way to dilute the limited resources available to serve poor children, the committee bill amends the basic act to make clear that such projects may be expanded to include children who are not from low-income families when other sources provide appropriate funds to cover the additional costs. Partial payment schedules could be established for children whose families are not poor but nevertheless have limited resources. In some cases, schools or other agencies such as labor organizations may enter into jointly funded arrangements under which Headstart funds would cover the cost of serving the poor children in Headstart projects and

the other participating agency provides funds to cover nonpoor children.

The amendment does not necessitate any change in the present rule allowing the participation without charge of a small percentage of nonpoor children.

The committee believes that consideration should be given to regional differences when poverty standards are established for use in determining eligibility for programs focused upon the needs of the poor.

VIII. TECHNICAL AMENDMENT REGARDING OBLIGATION OF APPROPRIATIONS

The General Accounting Office and the Office of Economic Opportunity requested an expression of legislative intent with regard to the timing of appropriations obligations when a proposed grant or other assistance is submitted to the Governor for the 30-day review period. If the obligation could not be recorded until after the Governor's review period plus further review by the Director, funds for projects would have to be reserved at some time prior to June 1. This means that OEO would be operating on a fiscal year of less than 11 months, in effect.

The committee bill includes language approved by the General Accounting Office to make clear that funds for such projects may be obligated at the time the proposal is submitted to the Governor, subject of course to reverting if the proposal is not finally approved.

IX. A NEW OEO ALCOHOLIC COUNSELING AND RECOVERY PROGRAM

The committee adopted an amendment by Senator Harold Hughes of Iowa directing the OEO to establish a new national alcoholic counseling and recovery program, at the community level, encouraging the use of neighborhood facilities and with the goal of enabling alcoholics to take their place in society as self-supporting citizens. Although alcoholism is mentioned in the existing act as one of the many problems to be dealt with by the comprehensive health services program, it seemed clear to the committee that alcoholism has not been afforded the emphasis and priority it requires as one of the most serious causes of poverty and family deterioration. The committee concluded that only by establishing Alcoholic Counseling and Recovery as a special emphasis program, with funds specifically reserved for this purpose, could the proper degree of emphasis be given to this critical social problem.

The committee bill reserves $10 million for fiscal 1970 and $15 million for fiscal 1971 for this purpose.

Alcoholism ranks as the third major health problem in the Nation, afflicting at least 5 million adults. In addition, the families of alcoholics involve an average of three to four other persons.

Perhaps more than any other vicious disease, alcoholism afflicts the whole man and the whole society. It disrupts the family and the school. And, it seriously disables the economy.

Alcoholism has a particularly heavy impact on persons and families already burdened with the multiple conditions of poverty. As in most

other instances, the poor have less access to community services and facilities for alcoholics.

The chronic alcoholic is not likely to complete a job-training program or to look after his family's food and health needs even when welfare help is available. Also, the alcoholic and his family have frequently been excluded from community services simply because of the fact of alcoholism; in effect, they are punished rather than treated for illnesses.

Of particular concern are the most common effects of alcoholism: first, disruption of family life, and second, loss of employment and decreased employability.

In these two areas, alcoholism has the most impact of perpetuating individuals and families in poverty. To meet these problems, the most effective interventions are before the person has reached the bottom, that is, while there are still family ties and prospects for employment to provide incentive for achieving rehabilitation.

Multi-service centers operated by Community Action Agencies and Neighborhood Health Centers are key points of contact for the low-income alcoholic and his family. By virtue of their structure and orientation, these agencies are ideally suited to provide services for the alcoholic which are truly responsive to his and his family's needs. They are oriented toward alcoholism as a problem related to the conditions of poverty and contributing to the continution of poverty. Further, they are peculiarly capable of dealing with alcoholism as a community problem and mobilizing needed community resources.

The primary purpose of an Alcoholic Counseling and Recovery program is to develop services for alcoholics and their families aimed at inducing and maintaining sobriety for the alcoholic, and providing comprehensive services to the alcoholic and his family through effective relationships with other ongoing programs such as health services, vocational rehabilitation, and employment, and welfare assistance.

The potential for using OEO funds and facilities to help individuals and families at the poverty level to gain relief from this dread disease already exists. But, without this specific program, the objective of treating alcoholism and its effect would be lost in generalization and lipservice, as has too often been the case in the past. A program for the prevention, treatment, and rehabilitation of alcoholics in the poverty sector should be initiated.

X. A NEW DRUG REHABILITATION PROGRAM

Senator Dominick proposed an amendment to section 222(a) to establish a new special emphasis program to rehabilitate drug addicts and abusers. The program would cover all prevalent drug abuse, including use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers.

It would establish community based programs including model treatment centers and use neighborhood facilities and the services of recovered drug abusers and addicts. It is designed to supplement programs already being carried out under HEW, the States, and local communities.

Existing authority would only allow programs concerning narcotic addiction. The need is great to provide special emphasis to find solutions to prevent and treat all forms of drug addiction and drug abuse. This program will take a first step forward meeting that need.

The committee unanimously adopted this amendment.

XI. INTEGRITY OF LEGAL SERVICES PROGRAM

In addition to the increased authorizations for Legal Services discussed above, the committee is convinced that certain additional administrative changes or improvements are necessary to preserve and increase the integrity and effectiveness of the Legal Services program.

These improvements involve: (a) a guarantee that Legal Services cannot be delegated from OEO to any other existing Federal agency and (b) increased willingness by the Director of OEO to exercise his existing authority to waive, where necessary, regulations concerning criminal representation, salary limitation, and the local share requirement.

A. *Limitation on the Delegation of Legal Services*

There is deep concern in committee that Legal Services might at some present or future point be considered for delegation from OEO to another Federal agency or department, and a strong desire to prevent any potentially harmful delegation of legal services from occurring.

As a result, the committee adopted and recommends a provision which prohibits the delegation of legal services to any existing Federal agency. This nondelegability prohibition is based on the committee's belief that legal services attorneys must be free to represent their clients in actions against Government agencies, and that by retaining legal services in OEO possible conflict-of-interest problems and constraints are held at a minimum.

The committee concluded that delegation of Legal Services to the Department of Health, Education, and Welfare or to the Justice Department present many possible conflicts-of-interest problems. One of the major areas where local legal services have pressed reform is in welfare; if Legal Services became part of HEW, suits such as those which questioned the constitutionality of the man-in-the-house rule could be hindered. At the very least, the fact and appearance of impartiality on the part of the granting agency would be questionable.

The Justice Department represents the Federal Government in any suit against the United States. Legal Services programs throughout the country have represented indigents in suits against the Federal Government. The committee believes that the practical effect of delegating Legal Services to the Justice Department would be to impose a severe limitation on the ability of Legal Services programs to represent indigents who are seeking to vindicate their rights in suits against the United States.

A recent American Bar Association resolution supports Legal Services attorneys who "acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby." Moreover, the nondelegability provision was supported in a memorandum presented by representatives of the American Bar Association

and National Legal Aid and Defender Association when they met early this year with Secretary of Health, Education, and Welfare Robert Finch and Secretary of Housing and Urban Development George Romney to discuss ways to coordinate federally supported legal services programs, and to assure their professional quality and independence. It is the position of these distinguished legal associations that, because of the conflict of interest problem, an independent status for the Legal Services programs is preferable to placing the program under the Department of Justice, HEW, or HUD.

B. Criminal Representation, Salary Limitations, and Local Share Requirements

The committee encourages the Director to exercise more fully his authority to waive the restrictions on criminal representation by OEO Legal Services attorneys. The committee calls attention to the existing statutory language which provides the director with the authority to waive these restrictions in "extraordinary circumstances where, after consultation with the court having jurisdiction, the director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available." This language should be interpreted to include criminal cases arising in rural areas where public defenders are not readily accessible, criminal cases which are an outgrowth of civil litigation, and preliminary hearings on criminal charges when the services of an attorney must be obtained rapidly.

The need for more flexible interpretation of the language limiting OEO lawyers from representing clients in criminal proceedings was presented in testimony before the Subcommittee on Employment, Manpower, and Poverty. A joint statement of the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association stated in this regard:

> Because of statutory restrictions, as currently interpreted by the OEO, Legal Services lawyers are unable to reach many persons in need of criminal representation which is not available from other local sources. Our organizations are opposed to this restriction since it denies the poor assistance in a contact with "the law" that may deprive individuals of personal liberty and their families of support. The legal obligation of States to provide defense representation in felony cases is of little consequence to a defendant subject to the awesome power of the prosecution in an area where the State does not in fact provide an adequate defense. It is even harder to explain to the poor why legal assistance is not authorized in those areas of police court, misdemeanor, or quasi-criminal actions. These fine distinctions are lost upon them, the image of helpfulness of the project is shattered, and linkage with the community is impaired.

The committee encourages the Director to exercise the discretion provided in the Economic Opportunity Act of 1964 to increase the maximum salary limitations for staff attorneys so that Legal Services programs can recruit specialists or experienced trial and appellate attorneys in the national market for "poverty law."

The committee encourages the Director to exercise the discretion provided in the Economic Opportunity Act of 1964 to reduce the "local share" of funding for Legal Services programs when local political pressures are brought to bear on the program through the threatened reduction of "local share" contributions or in areas where it is difficult to obtain volunteer attorneys to contribute "in kind" services as a portion of the "local share."

XII. CREDITING SERVICE OF A VISTA VOLUNTEER

By virtue of section 5 (f) of the Peace Corps Act, as amended, former Peace Corps volunteers who later gain Federal employment are credited for purposes of retirement, seniority, reduction in force, and lay-off rights, leave entitlement, and other privileges based upon length of service with their period of service as volunteers—not including any period of training. However, no similar benefit has ever been granted to volunteers serving in VISTA under title VIII of the Economic Opportunity Act. The committee can see no justification for this disparity in treatment between these two very similar types of voluntary services.

More than 15,000 individuals have served as VISTA volunteers and more than 5,000 of them are now serving—in almost every State and territory, as well as the Commonwealth of Puerto Rico. Approximately 50 percent of all VISTA volunteers are assigned to officially-designated community action agencies and another 30 percent or organizations funded through the Office of Economic Opportunity or other Federal agency. VISTA volunteers serve in Legal Services programs, in Headstart projects, in Job Corps programs, and in almost every conceivable kind of poverty program at the grass roots level. Under section 851(a) of the Economic Opportunity Act, as amended, and firm agency policy, they are required to live among and at the economic level of the people they serve. In this respect, the hardships they endure are every bit as great—and may well be more so—than those encountered by Peace Corps volunteers in their service overseas.

When the retirement and other credit provision was enacted in the original Peace Corps Act in 1961, it was explained as designed to encourage volunteers to consider professional careers in Government service. It is just as important to the vitality of Federal service that former VISTA volunteers be encouraged to enter those ranks. The type of fundamental person-to-person experiences they have had and the sensitivities they have developed to the problems of poverty and its victims are very similar to those of Peace Corps volunteers. And these qualities continue to be sorely needed among employees of the Federal Government.

The amendment would extend to former VISTA volunteers—including the volunteer leaders, volunteers serving in special volunteer programs, community volunteers and volunteer associates—the identical length-of-service credit now accorded former Peace Corps volunteers. Enactment of this amendment would mean that VISTA volunteers would for this purpose be treated the same as former military personnel who transfer to civil service jobs.

The amendment would apply to all former VISTA volunteers who become employed or who are presently employed by the U.S. Government on or after the effective date of this act. In order to secure

appropriate full credit toward civil service and other Federal systems of retirement, it would be necessary for a former VISTA volunteer to pay into the retirement system the appropriate amount of employee contribution for the period for which he wishes credit.

The amendment applies to volunteers enrolled under part A of title VIII. It does not apply to volunteers in programs financed under part B of title VIII unless they have been enrolled under the provisions of part A for full-time service as VISTA volunteers.

XIII. GAO AUDIT AUTHORITY

The Comptroller General of the United States would be given the right of access to the pertinent records of OEO grantees and contractors who receive funds under title II of the act. This provision of the committee bill was sponsored by Senator Prouty and has been requested by the Comptroller General of the United States.

XIV. USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

The committee bill includes a provision sponsored by Senator Nelson designed to encourage the use of closed Job Corps centers for special youth programs carried out by public and private agencies such as colleges and universities.

The committee wishes to commend the administration for making every effort to make available these centers for suitable purposes. However, under the Federal property laws, personal property and equipment are to be offered for the use of agencies in a different order of priority from that which the committee feels should apply in the case of investment made in plant and equipment at Job Corps centers. Under the uniform property disposal laws, equipment is first made available to centers which remain open, then to other Federal agencies, with public and private agencies at the local level having lower priority.

Because of the Federal investment in Job Corps centers, the facilities and equipment should be maintained intact and made available for use by agencies which are prepared to carry out programs similar to the Job Corps programs which have previously been carried out in such centers. The provisions of the committee bill make no change in the transfer of title to the real property but only apply to the decision as to who may use the facilities and equipment owned by the Federal Government.

TABLE 1.—ECONOMIC OPPORTUNITY ACT BUDGET FOR FISCAL YEARS 1969 AND 1970
OFFICE OF ECONOMIC OPPORTUNITY

[In millions of dollars]

	Fiscal year 1969 program distribution	Fiscal year 1970	
		Johnson budget	President Nixon's budget
Title I:			
Pt. A (Job Corps)	280.0	280.5	180.5
Pt. B (work and training)	632.7	721.8	709.8
Pt. D (special impact)	22.0	46.0	46.0
Title II (community action programs)	933.0	1,032.7	1,012.7
Sec. 222(a)(1), Headstart	(322.9)	(338.0)	(338.0)
Sec. 222(a)(2), Follow Through	(30.0)	(60.0)	(60.0)
Sec. 222(a)(3), legal services	(42.0)	(50.0)	(58.0)
Sec. 222(a)(4), comprehensive health services	(54.2)	(90.0)	(80.0)
Sec. 222(a)(5), emergency food and medical services	(23.5)	(17.0)	(25.0)
Sec. 222(a)(6), family planning	(12.6)	(15.0)	(15.0)
Sec. 222(a)(7), senior opportunities and services	(4.9)	(3.8)	(8.8)
Title III:			
Pt. A (rural loans)	6.0	12.0	12.0
Pt. B (migrant and seasonal farmworkers)	27.3	34.0	34.0
Title VI (administration and coordination)	15.0	16.0	16.0
Title VIII (VISTA)	32.0	37.0	37.0
Total	1,948.0	2,180.0	2,048.0

TABLE 2.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1970

[In millions of dollars]

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1970 additional appropriations authorized (sec. 3(c))	Fiscal year 1970 total authorization if fully funded
Title I, pts. A and B (work and training)	890.3	----------	890.3
Title I, pt. D (special impact)	46.0	7.0	53.0
Title II, Community action programs:			
Headstart	338.0	120.0	458.0
Follow Through	60.0	----------	60.0
Legal services	58.0	16.0	74.0
Health services	80.0	40.0	120.0
Emergency food and medical services	25.0	75.0	100.0
Family planning	15.0	----------	15.0
Senior opportunities and services	8.8	1.6	10.4
Funds not earmarked	427.9	----------	412.9
Funds reserved for new programs:			
Alcoholic counseling and recovery	----------	(10.0)	10.0
Drug rehabilitation	----------	(5.0)	5.0
Title III, pt. A (rural loans)	12.0	----------	12.0
Title III, pt. B (migrant and seasonal farmworkers)	34.0	7.5	41.5
Title IV, pt. B (day care projects)	----------	25.0	25.0
Title VI (administration and coordination)	16.0	----------	16.0
Title VII (VISTA)	37.0	----------	37.0
Total	2,048.0	292.1	2,340.0

TABLE 3.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1971

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1971 additional authorized appropriations (sec. 3(c))	Fiscal year 1971 total authorization if fully funded
Title I, pts. A and B (work and training)	$890.3		$890.3
Title I, pt. D (special impact)	46.0	$14.0	60.0
Title II—Community action programs:			
Headstart	338.0	240.0	578.0
Follow through	60.0		60.0
Legal services	58.0	32.0	90.0
Health services	80.0	80.0	160.0
Emergency food and medical services	25.0	150.0	175.0
Family planning	15.0		15.0
Senior opportunities and services	8.8	3.2	12.0
Title II funds not earmarked	427.9		397.9
Funds reserved for new programs:			
Alcoholic counseling and recovery and recovery		(15.0)	15.0
Drug rehabilitation		(15.0)	15.0
Title III, pt. A (rural loans)	12.0		12.0
Title III, pt. B (migrant and seasonal farmworkers	34.0	15.0	49.0
Title V, pt. B (day care projects)		50.0	50.0
Title VI (administration and coordination)	16.0		16.0
Title VII (VISTA)	37.0		37.0
Total	2,048.0	584.2	2,632.2
Additional unearmarked portion of fiscal year 1971 authorization if fully funded to be used in Director's discretion			100.0
Total			2,732.2

Section-by-Section Analysis of Economic Opportunity Amendments of 1969

Section 1. Short title

Section 1 of the bill provides that this legislation may be cited by the short title of "Economic Opportunity Amendments of 1969."

Section 2. Extension of Economic Opportunity Act

Section 2 extends the duration of the authority of the Director of the Office of Economic Opportunity to carry out programs under the Economic Opportunity Act for 2 years beyond the existing law's expiration date of June 30, 1970.

Section 3. Authorization of appropriations

Section 3(a) authorizes appropriations of $2,048 million for fiscal year 1970 and $2,148 million for fiscal year 1971 for carryihg out the Economic Opportunity Act. (For authorization of additional appropriations for specified programs, see sec. 3(c).)

Section 3(b) sets forth the basic amounts to be earmarked for specific programs under the Economic Opportunity Act out of appropriations made pursuant to subsection (a). Amounts are earmarked by title or parts thereof; and, in the case of title II, part of the amounts for that title are earmarked with portions to each of the special emphasis programs set forth in section 222(a). For both fiscal years 1970 and 1971, the same amounts are earmarked for each of the items each year. (The amounts earmarked add up to a total of $2,048 million, earmarked for each of the 2 fiscal years. With respect to fiscal year 1971, this would leave $100 million unearmarked if the appropriations authorization of $2,148 million is fully funded.)

If the sums appropriated fall short of the total ($2,048 million) necessary to fund fully each earmarked category, then the amounts

specified for each item must be prorated by reducing ratably each of the amounts.

All of the bill's provisions with respect to earmarking are subject to section 616 of the Economic Opportunity Act, which (as amended by section 4 of the bill, described below) authorizes up to 15 percent of the funds earmarked for any category to be transferred to any other program or activity under the Economic Opportunity Act.

Following are the amounts which subsection (b) earmarks for the various purposes of the Economic Opportunity Act:

(1) $890,300,000 for parts A and B of title I (work and training programs).

(2) $46 million for part D of title I (special impact programs).

(3) $1,012,700,000 for title II (urban and rural community action programs), of which $338 million shall be for the Project Headstart program, $60 million for the follow through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

(4) $12 million for part A of title III (rural loan programs).

(5) $34 million for part B of title III (assistance for migrant, and other seasonally employed farmworkers and their families).

(6) $16 million for title VI (administration and coordination).

(7) $37 million for title VIII (domestic volunteer service programs—VISTA).

Section 3(c) authorizes these additional appropriations (over and above appropriations authorized above) for specified programs under the Economic Opportunity Act:

(1) $7 million for fiscal year 1970, and $14 million for fiscal year 1971, for special impact programs (title I–D).

(2) $120 million for fiscal year 1970, and $240 million for fiscal year 1971, for Project Headstart.

(3) $16 million for fiscal year 1970, and $32 million for fiscal year 1971, for legal services.

(4) $40,000,000 for fiscal year 1970, and $80,000,000 for fiscal year 1971, for comprehensive health services.

(5) $75,000,000 for fiscal year 1970, and $150,000,000 for fiscal year 1971, for emergency food and medical services.

(6) $1,600,000 for fiscal year 1970, and $3,200,000 for fiscal year 1971, for senior opportunities and services.

(7) $7,500,000 for fiscal year 1970, and $15,000,000 for fiscal year 1971, for assistance for migrant and seasonal farmworkers (title III–B).

(8) $25,000,000 for fiscal year 1970, and $50,000,000 for fiscal year 1971, for day care projects (title V–B).

Section 4. Amendment to provide increased flexibility in use of funds

Section 616 of the Economic Opportunity Act provides that, notwithstanding any limitation on appropriations for any program or activity under this act or any act authorizing appropriations for such program or activity, up to 10 percent of the amount appropriated, or allocated from any appropriation, to carry out any such program may be transferred to be used in carrying out any other program or activity under the act.

Clause (1) of section 4 of the bill would amend the above-described provision by increasing the percentage which may be transferred from 10 to 15 percent of the allocation for any program.

In addition, clause (2) of section 4 of the bill would remove the existing law's restriction which prevents the transfer of funds to other programs in such a manner as to result in increasing by more than 10 percent the amounts otherwise available for any program or activity.

Section 5. Adequate leadtime

Section 5(a) amends the Economic Opportunity Act to provide for advance funding of programs under the Economic Opportunity Act by authorizing the inclusion of the appropriation for a particular fiscal year in the appropriation act for the preceding fiscal year.

Subection (b) of section 5 of the bill makes clear that, in the transition from the present funding pattern to the advance funding pattern, the amendment made by subsection (a) (as described above) is applicable even though during the first year of the changeover the appropriation bill or bills may contain two separate appropriations—one for the then current fiscal year as well as another making the advance appropriation for the succeeding fiscal year.

Section 6. Participation of children in Headstart projects

Section 6 adds language to section 222(a)(1) of the act to provide that persons who are not members of low-income families may be permitted to receive services in Headstart projects. That provision would be implemented pursuant to regulations prescribed by the Director. The amendment further provides that, where a family's income is, or becomes through employment or otherwise, such as to make payment appropriate, a family which is not low income may be required to make payment, in whole or in part, for services provided in a Headsart project.

Section 7. Technical amendment regarding obligation of appropriations

Section 7(a) contains a technical amendment to the Economic Opportunity Act to make clear that a proposed contract, agreement, grant, loan, or other assistance under the act shall be obligated, if finally approved, out of the appropriation for the fiscal year current at the beginning of the 30-day period afforded the Governor for his consideration, rather than at the end of the review period.

Subsection (b) confirms past practice in accordance with the above-described amendment.

Section 8. New special emphasis programs authorized

Section 8 amends section 222(a) of the Economic Opportunity Act by adding two new programs:

The proposed new paragraph (8) establishes an "Alcoholic Counseling and Recovery" program designed to discover and treat the disease of alcoholism. The program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

The Director shall reserve and make available for carrying out the Alcoholic Counseling and Recovery program not less than $10 million

for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

The proposed new paragraph (9) establishes a "Drug Rehabilitation" program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize their reentry into society rather than their institutionalization.

The Director shall reserve and make available for carrying out the Drug Rehabilitation program not less than $5 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

Section 9. Amendment with respect to Director's authority to delegate functions

Section 9 provides that the authority of section 602(d) of the Economic Opportunity Act (authorizing delegation of the Director's powers to the heads of other Federal agencies) shall not apply to the legal services program authorized under section 222(a)(3) of such act. Section 9 further provides that the Director of the Office of Economic Opportunity shall not delegate the legal services program to any other existing Federal agency.

Section 10. Crediting service of a VISTA volunteer

Section 10(a) of the bill amends subsections (b) and (j) of section 8332 of title 5, United States Code, to provide that, if a person who has been a VISTA volunteer later becomes a Government employee subject to civil service retirement, the period of service as a VISTA volunteer shall be credited (i.e., the time is credited if the employee pays into the fund to cover such period).

Section 10(b) amends section 833 of the Economic Opportunity Act by adding a new subsection providing that any period of service as a VISTA volunteer shall be credited in the same manner as civilian employment by the U.S. Government for subsequent service to which the Foreign Service and civil service retirement systems are applicable, and, except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the Civil Service and Foreign Service laws.

Section 10(c) provides that amendments made by this section shall be effective as to all former volunteers employed by the U.S. Government on or after the effective date of this legislation.

Section 11. Audit requirement

Section 11 of the bill amends section 243 of the Economic Opportunity Act by adding a new subsection providing that the Comptroller

General of the United States or his representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under title II of the act.

Section 12. Use of closed Job Corps centers for special youth programs

Section 12(a) provides that the Director of the Office of Economic Opportunity shall establish procedures and make arrangements designed to assure that facilities and equipment at closed Job Corps centers will be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations for special youth programs.

Such agency must have satisfactory arrangements for utilizing the facilities and equipment for conducting programs, especially for low-income disadvantaged youth, such as the following examples: Special remedial programs; summer youth programs; exemplary vocational preparation and training programs; cultural enrichment programs, including music, the arts, and the humanities; training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and youth conservation work and other conservation programs.

Subsection (b) provides that the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor, to achieve the objectives of this section.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ECONOMIC OPPORTUNITY ACT OF 1964

* * * * * * *

TITLE I—WORK TRAINING AND WORK-STUDY PROGRAMS

* * * * * * *

Part E—Duration of Program

Sec. 161. The Director shall carry out the programs [for which he is responsible] under this title during the fiscal year ending June 30, 1967, and the [three] *five* succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

* * * * * * *

TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

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Part B—Financial Assistance to Community Action Programs and Related Activities

* * * * * * *

SPECIAL PROGRAMS AND ASSISTANCE

Sec. 222. (a) In order to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities, the Director may develop and carry on special programs under this section. This authority shall be used only where the Director determines that the objectives sought could not be effectively achieved through the use of authorities under section 221, including assistance to components or projects based on models developed and promulgated by him. It shall also be used only with respect to programs which (A) involve activities which can be incorporated into or be closely coordinated with community action programs, (B) involve significant new combinations of resources or new and innovative approaches, or (C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of this title.

Subject to such conditions as may be appropriate to assure effective and efficient administration, the Director may provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under such special programs; but he shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. Programs under this section shall include those described in the following paragraphs:

(1) A program to be known as "Project Headstart" focused upon children who have not reached the age of compulsory school attendance which (A) will provide such comprehensive health, nutritional, education, social, and other services as the Director finds will aid the children to attain their full potential, and (B) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level. *Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate.*

* * * * * * *

(8) An "Alcoholic Counseling and Recovery" program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

(9) A "Drug Rehabilitation" program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall

reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

* * * * * * *

PART D—GENERAL AND TECHNICAL PROVISIONS

* * * * * * *

SUBMISSION OF PLANS TO GOVERNORS

SEC. 242. In carrying out the provisions of this title, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of the approval of this Act. *Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor.*

FISCAL RESPONSIBILITY AND AUDIT

SEC. 243. (a) * * *

* * * * * * *

(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title.

* * * * * * *

DURATION OF PROGRAM

SEC. 245. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the [three] *five* succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

* * * * * * *

PART C—DURATION OF PROGRAM

SEC. 321. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the [three]

five succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE IV—EMPLOYMENT AND INVESTMENT INCENTIVES

* * * * * * *

DURATION OF PROGRAM

SEC. 408. The Administrator of the Small Business Administration and the Secretary of Commerce shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the [three] *five* succeeding fiscal years.

TITLE V—WORK EXPERIENCE, TRAINING, AND DAY CARE PROGRAMS

* * * * * * *

PART B—DAY CARE PROJECTS

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DURATION OF PROGRAMS

SEC. 523. The Director shall carry out the programs provided for in this part during the fiscal year ending June 30, 1968, and the [two] *four* succeeding fiscal years.

TITLE VI—ADMINISTRATION AND COORDINATION

* * * * * * *

DURATION OF PROGRAM

SEC. 615. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the [three] *five* succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TRANSFER OF FUNDS

SEC. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed [10 per centum] *15 per centum* of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act [; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum].

* * * * * * *

ADVANCE FUNDING

SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

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TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

VOLUNTEERS IN SERVICE TO AMERICA

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PART C—GENERAL PROVISIONS

* * * * * * *

APPLICATION OF FEDERAL LAW

SEC. 833. (a) Except as provided in [subsection (b)] *section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section,* volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a) (2) (B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS–7 under section 5332 of title 5, United States Code.

(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: Provided, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

* * * * * * *

DURATION OF PROGRAM

SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the [three] *five* succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE 5, UNITED STATES CODE

§ 8332. Creditable service

(a) * * *

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) employment as a substitute in the postal field service;

(2) service in the Pan American Sanitary Bureau;

(3) subject to section 8334(c) and 8339(h) of this title, service performed before July 10, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7;

(4) service as a student-employee as defined by section 5451 of this title only if he later becomes subject to this subchapter;

(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter; [and]

(6) employment under section 709 of title 32, United States Code, or any prior corresponding provision of law[.]; *and*

(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter.

The Civil Service Commission shall accept the certification of the Secretary of Agriculture or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (3) of this subsection. For the purpose of paragraph (5) of this subsection—

(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under sections 2504(c) and 2505(1) of title 22; and

(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation.

Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968.

* * * * * * *

(j) Notwithstanding any other provision of this section, military service, except military service covered by military leave with pay from a civilian position, performed by an individual after December

1956, *the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,* and the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22, shall be excluded in determining the aggregate period of service on which an annuity payable under this subchapter to the individual or to his widow or child is based, if the individual, widow, or child is entitled, or would on proper application be entitled, at the time of that determination, to monthly old-age or survivors benefits under section 402 of title 42 based on the individual's wages and self-employment income. If the military service or service as a *volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a* volunteer or volunteer leader under chapter 34 of title 22 is not excluded by the preceding sentence, but on becoming 62 years of age, the individual or widow becomes entitled, or would on proper application be entitled, to the described benefits, the Civil Service Commission shall redetermine the aggregate period of service on which the annuity is based, effective as of the first day of the month in which he or she becomes 62 years of age, so as to exclude that service. The Secretary of Health, Education, and Welfare, on request of the Commission, shall inform the Commission whether or not the individual, widow, or child is entitled at any named time to the described benefits. For the purpose of this subsection, the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and termination of that service by the President or by death or resignation *and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation.*

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, PROUTY, DOMINICK, MURPHY, SCHWEIKER, SAXBE, AND SMITH

The bill reported by the committee would extend the authority for appropriations under the Economic Opportunity Act for 2 years beyond June 30, 1969, as recommended by the President. A bill to implement the President's recommendation was introduced by Senator Javits on June 12, 1969.

In his statement of June 2, 1969, the President reaffirmed the administration's commitment to the continuation of the Office of Economic Opportunity and stated his determination to make the Nation's antipoverty efforts function more efficiently and serve the poor more effectively. He stressed that a 2-year extension would provide a "better framework within which the necessary improvements in the antipoverty program can be made."

The initiatives taken by Director of OEO Donald Rumsfeld and others responsible for the programs authorized under the Economic Opportunity Act signal an expansion and improvement, rather than a dilution, of the efforts of the Federal Government to combat poverty.

The administration has properly viewed the Office of Economic Opportunity as an innovative agency, willing to experiment with and serve as a proving ground for new programs to benefit the poor. While OEO is the only Federal agency whose special concern is the poor, other Federal departments and agencies have given increased attention to the problems of poverty.

The recent breakthroughs by the administration in proposing major welfare reforms and in efforts to combat hunger and malnutrition are testimony to that fact. Moreover, programs delegated from OEO by this and previous administrations have found a secure and sympathetic home in other departments of the Federal Government.

The administration has taken care to insure that OEO will have a continuing role in the emerging governmentwide strategy against poverty: the Director will retain an overview of delegated programs; community action agencies will continue to be involved in programs at the local level; the placement of OEO regional offices has been undertaken with a view toward coordination with similar offices of other agencies involved in programs for the poor; and OEO will have the authority and capacity to conduct governmentwide evaluation of programs affecting the poor.

The establishment of the Urban Affairs Council and the designation of Director Rumsfeld as special assistant to the President with Cabinet rank are further indications that the poor will have an increasing voice in national councils. In light of these developments, it is appropriate that the agency focus its resources on innovation so that new programs can be developed and, upon maturity, be given an established place in the total Federal antipoverty effort.

While the Office of Economic Opportunity should be free to innovate, we share the commitment of the administration to a continuing

operational role for community action agencies and endorse efforts now underway to make those agencies more efficient and responsive to the needs of the poor. The administration has made it clear that community action agencies will continue to be involved in the operation of existing programs such as Headstart and in providing outreach and education as a part of a new, coordinated attack on hunger and malnutrition. The monitoring and evaluation of community action agencies now being conducted is long overdue. In order to assume an expanded role in the total antipoverty effort, community action agencies must be strengthened; as the President has emphasized, it is the poor who are hurt most when poverty funds are stolen or programs are inefficiently administered.

We support the administration's current efforts and proposed plans to give the States a greater role in antipoverty programs. For too long they have been denied the meaningful participation authorized under the Economic Opportunity Act, with the result that the Federal Government has lost important allies in the fight against poverty. As Director Rumsfeld has noted, existing legislation provides in numerous instances for an active State role. We are encouraged by the Director's plans to give life to those provisions by appropriate regulations. We note favorably his creation of a new division of State and local governmental relations in the Office of Economic Opportunity and the budget increase requested by the administration for the funding of State economic opportunity offices. We believe that the Economic Opportunity Act includes adequate provision against arbitrary actions in the course of State administration.

We commend the Director for conducting a reorganization of the agency in order to improve efficiency, clarify missions, improve management controls and permit the flow of work from the research stage through the development and program stages. We are pleased that programs for rural areas and for older persons will be brought into the mainstream of program development. We note also that the Director of Legal Services will be directly responsible to the Director of OEO and that the agency is making efforts to give further definition to the mission of the legal services program. In that connection, we question the necessity of section 9 of the committee bill preventing the delegation of that program to any existing agency, in light of Director Rumsfeld's testimony before the Subcommittee on Employment, Manpower, and Poverty to the effect that no such delegation is contemplated.

While the actions taken thus far by the administration suggest that much can be done to improve the poverty program without special amendment to the Economic Opportunity Act, we have taken the initiative in proposing and supporting amendments where we felt that they were required to authorize new programs or to improve further the administration of existing programs. An amendment introduced by Senator Dominick to establish a special emphasis program for the discovery and treatment of drug abuse and addiction is included as a part of section 8 of the committee bill. Senator Prouty's amendment to authorize the Comptroller General to audit and examine books, documents, papers, and records pertinent to financial assistance received by any agency under title II of the act is included as section 11 of the bill. We have given our support in committee to amendments

introduced by other members authorizing advance funding, establishing a new special emphasis program on alcoholic counseling and recovery, providing civil service credit for VISTA volunteers, providing that children who are not members of low-income families may be permitted to receive services in Headstart projects, clarifying existing Law, and insuring that closed Job Corps centers are used for special youth programs.

We are deeply concerned with several aspects of section 3 of the committee bill. The section provides for authorization of appropriations as follows: Under subsection (a) there would be authorized $2,048 million for the fiscal year ending June 30, 1970, and $2,148 million for the fiscal year ending June 30, 1971. Under subsection (b), $2,048 million of the sums authorized under subsection (a) would be earmarked for certain programs and activities for each fiscal year. Under subsection (c) (as an addition to the amounts authorized for all programs under subsection (a)) amounts would be authorized for each of eight specific EOA programs of special interest to committee members.* These add-ons would total $292.1 million for fiscal year 1970, and $584.2 million for fiscal year 1971.

We support the ceiling of $2,048 million for fiscal year 1970, the amount requested by the administration for that fiscal year. It represents an increase of approximately $100 million over the estimated expenditures for fiscal year 1969. We also support the authorization of $2,148 million for fiscal year 1971, representing a further increase of $100 million over the previous year.

We submit that the earmarking provisions of section 3(b) are inconsistent with the concept of the Office of Economic Opportunity as the principal innovative agency in an emerging governmentwide antipoverty effort. OEO must be free to develop new programs and to determine for each fiscal year which existing programs should be emphasized to accomplish the purposes of the act.

The necessity for flexibility has been recognized, to a limited extent, by a majority of the members of the committee in section 4 of the bill. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 percent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

However, when combined with earmarking, the transfer provisions will still not operate to permit meaningful changes in programing, especially in the case of fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order (*a*) to provide funds for a new program, (*b*) substantially

*Special Impact, Project Headstart, Legal Services, Comprehensive Health Services, Emergency Food and Medical, Senior Opportunities, programs for migrant and seasonal farmworkers and Day Care.

increase funds for a particularly successful existing program, (*c*) to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources, or (*d*) because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

We submit that the administration must be permitted to make programing decisions in the light of previous experience and the total Federal anti-poverty strategy, not on the basis of the previous year's budget request.

As noted above, section 3(a), which we support, would authorize a total of $2.048 billion for fiscal year 1970. We do not consider advisable the authorization of additional amounts for specific programs for fiscal year 1970 under section 3(c) since as a practical matter we doubt that the administration would be able to make effective use of such amounts by the time they would actually become available later in this fiscal year. In this connection, we point out that the administration's budget submission (covered by the authorization contained in section 3(a) of the committee bill) already requests $89 million more for those specific programs for fiscal year 1970 than provided in fiscal year 1969.

We recognize that the administration may require additional authorizations for fiscal year 1971 (beyond the $2.148 billion authorized under section 3(a)) in order to take further initiatives during that year in the specific program areas covered by section 3(c). Accordingly, while we have differed with other committee members as to the amounts of some of those increases, we have generally given our support to that section as it applies to fiscal year 1971.

We share the commitment of the administration to a renewed, revised, and expanded attack on poverty in the framework of a 2-year extension of the authority under the act. Subject to the exceptions we have noted, we consider the committee bill as a general expression of bipartisan support for the President's recommendation for such an extension and of confidence in the administration's ability to make the new tenure a meaningful one.

Jacob K. Javits.
Winston L. Prouty.
Peter H. Dominick.
George Murphy.
Richard S. Schweiker.
William B. Saxbe.
Ralph T. Smith.

INDIVIDUAL VIEWS OF MR. MURPHY

I am deeply concerned over the direction in which the legal services program has been allowed to move. In many States, including California, legal services organizations have diverted their major thrust from legal aid and assistance to the needy and turned that thrust toward political activism through the filing of law suits against governmental agencies and departments. I believe the issues presented in these law suits can and should be raised through legally constituted political channels.

I am considering introducing an amendment to the bill that directs the program toward legal assistance and away from law reform.

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Calendar No. 449

91st CONGRESS
1st Session

S. 3016

[Report No. 91–453]

IN THE SENATE OF THE UNITED STATES

October 10, 1969

Reported, under authority of the order of the Senate of October 9, 1969, by Mr. Nelson, from the Committee on Labor and Public Welfare, and ordered to be placed on the calendar

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

Sec. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and $2,148,000,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that, of the amounts so appropriated for each such fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs) ;

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs) ;

(3) $1,012,700,000 shall be for the purpose of

carrying out title II, of which $338,000,000 shall be for the Project Headstart program described in section 222 (a) (1), $60,000,000 shall be for the Follow Through program described in section 222 (a) (2), $58,000,000 shall be for the Legal Services program described in section 222 (a) (3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222 (a) (4), $25,000,000 shall be for the Emergency Food and Medical Services program described in section 222 (a) (5), $15,000,000 shall be for the Family Planning program described in section 222 (a) (6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222 (a) (7);

(4) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(5) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(6) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(7) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of

this section for any such fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (7) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $7,000,000 for the fiscal year ending June 30, 1970, and $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $120,000,000 for the fiscal year ending June 30, 1970, and $240,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222 (a) (1);

(3) $16,000,000 for the fiscal year ending June 30, 1970, and $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222 (a) (3);

(4) $40,000,000 for the fiscal year ending June 30, 1970, and $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222 (a) (4);

(5) $75,000,000 for the fiscal year ending June 30, 1970, and $150,000,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222 (a) (5);

(6) $1,600,000 for the fiscal year ending June 30, 1970, and $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222 (a) (7);

(7) $7,500,000 for the fiscal year ending June 30, 1970, and $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(8) $25,000,000 for the fiscal year ending June 30, 1970, and $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 4. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "10 per centum" the first time it appears in the section and inserting in lieu thereof "15 per centum"; and

(2) striking out the following: "; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum".

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 6. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at

the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 7. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 8. Section 222 (a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of

the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 9. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 10. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) Before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer

and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852 (a) (1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092 (a) (1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Com-

mission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

AUDIT REQUIREMENT

SEC. 11. Section 243 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title."

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 12. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are

designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

Calendar No. 449

91ST CONGRESS
1ST SESSION

S. 3016

[Report No. 91–453]

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

By Mr. NELSON

OCTOBER 10, 1969
Ordered to be placed on the calendar

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Oct 13, 1969

Issued ~~October 14, 1969~~
For actions of October ~~13~~, 1969
91st-1st No. 166

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HIGHLIGHTS: Both Houses received President's status of legislative proposals message. House conferees were appointed on Interior appropriations. Rep. Bush introduced and discussed bill to redesignate Interior Department and transfer certain USDA functions.

HOUSE

1. APPROPRIATIONS. Conferees were appointed on H. R. 12781, the Interior appropriations bill. pp. H9395-6

2. CHILD PROTECTION; HAZARDOUS SUBSTANCES. Conferees were appointed on S. 1689, to protect children from access to hazardous substances. p. H9396

3. TAX REFORM. Rep. Vanik criticized the Senate Finance Committee for its decisions protecting "tax privilege at every turn."

4. FARM PROGRAM; FOOD AID. Rep. Findley recommended a phaseout of individual commodity programs and called for replacement by a general cropland adjustment program not tied to individual commodities; and a program of personal assistance available only to farmers of low income. pp. H9416-19

SENATE

5. POVERTY. The Labor and Public Welfare Committee reported an original bill, S. 3016, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs (S. Rept. 91-453) (p. S12313). Began debate on this original bill (pp. S12439-46, S12449-52).

6. LEGISLATIVE PROGRAM. Both Houses received the President's message on the status of the Administration's legislative proposals (H. Doc. 91-178) (pp. S12355-8, H9405-8). The President stated, "The legislative program of this Administration differs fundamentally from that of previous administrations.....That is the watchword of this Administration: REFORM." He discussed the following areas of reform of interest to this Department: reform of the draft, welfare system, tax code, revenue sharing, postal service, manpower, social security, grant-in-aid, OEO, foreign aid, programs to feed the hungry, and population control.

7. TAXATION. Sen. Javits submitted a series of amendments to the tax reform bill including amendments relating to the tax treatment of small businesses. pp. S12371-3

   Sen. Byrd, Va., inserted the Finance Committee's agenda for hearings on the pending tax reform bill and expressed the hope that a motion to report the bill to the Senate can be entertained on Oct. 31. pp. S12388-9

   Sen. Long inserted a press release summarizing the committee action on the tax reform bill on Fri., Oct. 10. pp. S12394-5

Mr. SCOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly.

Mr. KENNEDY. I yield.

Mr. SCOTT. Mr. President, I would like to sound out the possibility of our convening tomorrow at 10 o'clock and then proceeding to an agreement for 2 hours debate on the OEO bill, with the vote to occur not later than 12:30 tomorrow.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I would like to indicate that it is the intention of the leadership to have the Senate convene at 10 o'clock tomorrow morning.

Mr. BYRD of West Virginia. Mr. President, may we have order so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I would like to ask the indulgence of the ranking minority member of the Committee on Labor and Public Welfare. It is the intention of the leadership to have the Senate come in at 10 o'clock tomorrow morning to continue the debate on the OEO bill, to make every effort to accommodate the request of the Senator from California; and, hopefully, to have votes in the early part of the afternoon. It is my hope we can complete action on the OEO bill tomorrow afternoon, at which time we would bring up the Eisenhower coin authorization bill. As we proceed through the day, I wish to indicate to the distinguished minority leader, we certainly want to be accommodating in terms of the birthday of President Eisenhower. We are hopeful we can complete the business before, but if by midafternoon we find we are unable to do so, I can give my assurance to the distinguished minority leader that I will be flexible in its consideration, although it should be remembered that unanimous consent will be required to set the OEO bill aside if it is not concluded. I hope we can finish the OEO bill early in the afternoon.

Mr. SCOTT. Mr. President, I appreciate the statement of the acting majority leader. I would like to take advantage of the suggestion of the acting majority leader that if we find progress to be slow on the bill now pending, we might ask that it be set aside temporarily and take up the Eisenhower dollar, and, of course, accommodate those who have any concern.

Mr. JAVITS. Mr. President, I would not wish by my silence to agree to that arrangement. The Senator from Alabama (Mr. SPARKMAN) and I are under great time pressure, too. In the face of reality, the Senator from Wisconsin (Mr. NELSON) will go ahead; and I will speak on the bill tonight. Let us see how we get along. I will try to work out something to present to our leader, the Senator from Pennsylvania (Mr. SCOTT).

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Sidney Johnson be permitted on the floor during the consideration of the OEO bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make the same request for Mr. John Scales.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the professional staff members of the Committee on Labor and Public Welfare be admitted to the Chamber during the consideration of S. 3016, the proposed Economic Opportunity Amendments of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BROAD CONSENSUS ON EXTENDING OEO

Mr. NELSON. Mr. President, the Labor and Public Welfare Committee has reported to the Senate a truly bipartisan bill to extend the Office of Economic Opportunity through June 30, 1971, as the administration has requested.

This is a responsible and realistic bill, which represents a meeting of minds of widely differing shades of opinion.

Through painstaking work in subcommittee and committee, the differences have been progressively narrowed down to the point where the bill before the Senate today represents a broad consensus, acceptable to many Senators in both the majority and minority, to the broad range of organizations interested in this legislation, and consistent with the goals which the administration has developed itself.

Obviously, a bill which seeks to achieve such a broad base of acceptance cannot be totally satisfactory to any one group. But at the same time, if we are to continue in a responsible way to deal with the problems of poverty which concerns all Senators and which concern the Nation, we must design legislation which can command the support of persons of many different points of view.

This is such legislation. We will outline it in detail to the Senate, and we hope the Senate will then ratify it and send it on to the House.

A 2-YEAR EXTENSION

Briefly summarized, the bill reported to the Senate by the Labor and Public Welfare Committee is a straight 2-year extension of the Office of Economic Opportunity, with no major substantive changes in its programs. It authorizes the budget which the administration requested, program by program, and then proposes modest additional authorizations for eight selected programs, based on testimony before the Subcommitee on Employment, Manpower, and Poverty during our public hearings.

For fiscal 1970, the bill authorizes $2.048 billion as requested by the administration, plus $292.1 million in additional authorizations, for a total of $2.34 billion.

For fiscal 1971, the bill authorizes $2.148 billion plus $584.2 million in additional authorizations, for a total of $2.732 billion.

The administration had requested an open ended authorization for the second of the 2 years, using the phrase "such sums as may be necessary" for the authorization. Senators in both the minority and majority felt that a definite authorization was preferable. Representatives of OEO suggested a basic second year authorization 10 percent higher than the first years, or about $2.253 billion. However, the committee after, careful consideration agreed on the figure of $2.148 billion as a suitable second year basic authorization.

Each of the funding items in the bill has already been the subject of careful negotiation and comprómise. There are no "pie in the sky" figures in this bill. Each can be carefully justified, and the Senate can be assured that these funds, if appropriated, can be responsibly and productively spent.

EARMARKING WITH FLEXIBILITY

The bill also steers a careful middle ground between the twin goals of giving the administration administrative flexibility while at the same time preserving the right and the responsibility of the Congress to direct how public funds shall be spent. This, too, was accomplished through careful negotiation and compromise.

The administration would have preferred a simple, lump sum authorization with no directive from the Congress as to how the money would be allocated within the eight titles of the Economic Opportunity Act. The committee felt that to grant such a lump sum authorization would be to fail to meet the responsibilities of the Congress, and would lead to confusion and uncertainty as to the future of the various programs operated by OEO, by its local agencies, and by other Federal agencies to which it has delegated programs. A lump sum authorization, the committee felt, would make legislative oversight extremely difficult.

The committee resolved this difference by specifically earmarking funds for many of the the successful OEO "special emphasis" programs.

However, for each program, the amount earmarked by the committee is the precise amount which the administration requested in its budget presentation. Any additional authorizations in the

bill are handled separately and clearly identified as additions.

Furthermore, in two major areas, the committee's earmarking is so broad as to leave the administration considerable latitude in deciding precisely how the funds shall be allocated. These areas are in community action and in work and training programs, both areas where it seemed desirable to give the administration an authorization ceiling and then let it decide how best to allocate the funds within the various activities operated under that title.

A 15-PERCENT FLEXIBILITY GIVEN

Most important of all, in resolving this matter we combined the earmarking of funds with a new flexibility feature which both the minority and majority in the committee, and representatives of the administration, found to be very desirable.

Under this feature, the Director of OEO is authorized to reduce any earmarked authorization figure by up to 15 percent, and reallocate the funds saved in that manner to any other authorized program within his agency. Furthermore, the director may make a number of such reductions, group the savings together, and allocate them to other authorized programs.

In this manner, for instance, he could greatly increase funds for research, pilot programs and evaluation, an area which the administration has said it wants to emphasize, by reducing other programs by up to 15 percent.

WHAT BILL DOES NOT DO

It might be helpful to discuss some of the things which this bill does not do.

It does not attempt to revoke the reorganization of OEO recently ordered by the President. The committee intends to maintain legislative oversight over OEO and its programs as a part of its continuing responsibilities, but this bill does not seek to deal with the reorganization question.

It does not seek to change any orders which have been issued to delegate OEO programs to other agencies, such as the delegation July 1 of the Job Corps to the Labor Department and the Headstart program to the Department of Health, Education, and Welfare.

It does not seek to restore funds for the Jobs Corps or the Neighborhood Youth Corps programs which were cut by the administration .

It does not preclude or prejudge the welfare reform or comprehensive manpower proposals which the administration recently sent to Congress.

It does not make any major substantive changes in OEO programs, or direct OEO into any major new areas. Programs on alcoholism and drug rehabilitation, already mentioned in the act, are more sharply defined as special emphasis programs, as proposed by Senator DOMINICK and Senator HUGHES, and protection against delegation of the legal services program to another Federal agency is written into the bill. Other than that there are no changes in OEO programs.

In short, this bill is essentially what the administration requested—a 2-year extension of OEO with no major substantive amendments. The principal changes in the bill merely involve funding levels. The administration itself revised the funding levels from previous years; such revisions are inevitable whenever a program is extended and should not be considered substantive changes in the act.

AREAS OF AGREEMENT

As I said at the outset, this bill has been progressively revised, section by section, in an effort to reach the broadest possible consensus.

So far as I know, the only areas of difference remaining among Senators who have participated in discussions on the bill involve the question of how much should be added to the basic administration authorization request for the various programs.

Even these additional authorizations have been repeatedly compromised in committee, so I believe the range of differences is extremely narrow.

We members of the committee who requested the additional authorizations are prepared to justify them here on the floor.

The Senate will, of course, have a further opportunity to review the precise authorizations when the appropriations bill comes to the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Does the bill leave with the Governors of the several States the prerogative of vetoing the list of workers?

Mr. NELSON. We leave the veto power that is in the bill in the hands of the Governor of a State, without change from the current provision.

FIVE YEARS OF OEO

Mr. NELSON. Mr. President, we have now had 5 years of experience with the Office of Economic Opportunity. We all know that this new agency, which was given an extremely difficult task which no other agency had been able to resolve, encountered a great many difficulties in the early years of its life.

Two years ago, our committee made an unusually exhausive review of the OEO, and our committee made quite a few amendments in the act. The benefits of these revisions, and the benefits of 5 years of practical experience, are beginning to be felt in OEO.

The comprehensive audit of OEO, conducted by Comptroller General and the General Accounting Office under a 1967 amendment sponsored by Senator PROUTY, has further increased our understanding of this agency working in this challenging area. The GAO audit will lead to further improvements.

The administration has made an impressive argument in favor of a 2-year extension of OEO.

As the new Director of OEO, Mr. Donald Rumsfeld testified before our subcommittee:

A 2 year extension, the President believes, will improve the management of this program by allowing longer range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs. The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.

Mr. President, I am impressed by the statement, "the lessons learned will be put to use."

I think this is exactly what Congress had in mind for OEO. And of course if the lessons learned are to be put to use, it is important not to terminate worthwhile programs abruptly before they have had a chance to demonstrate their potential.

The new Director of OEO has provided our committee with strong assurances of his desire to strengthen the administration of OEO, and to emphasize research, evaluation, and experimentation.

THE DIMENSIONS OF POVERTY

In assessing the justification of the various funding authorizations contained in this bill, it is helpful to compare the real needs of the Nation with the relatively small number now being served. I think anyone reviewing the testimony as to the needs would come to see this bill as a very modest investment toward helping to correct some of the deepest ills of our society.

For example, the latest figures developed by the Budget Bureau and the Census Bureau tell us that there are 25,400,000 Americans living in poverty. This bill would invest approximately $100 for each such person, and would use the money largely for job training, medical and dental care, remedial education, and legal counseling. It is important to remember that more than 75 percent of this OEO budget goes for the highly acceptable purposes of job training, health, and education.

To cite another example, a total of 667,000 children were served by the Headstart program in 1969. Unless we increase the authorization as proposed in this bill, the number served in 1970 will drop to 488,000 because the administration wants to shift over to more effective—but more costly—year round programs. But experts have testified before our subcommittee that there are about 6 million disadvantaged children who really need the kind of help Headstart can give them.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. NELSON. Yes; I yield.

Mr. PERCY. I very much appreciate your permitting this interruption. I must leave the floor, but I would not like to do so without commending the committee for the exceptionally fine work that has been done in carefully reviewing the OEO program. The committee has unemotionally looked at the program, the innovations, and the reforms that have been proposed by the administration, and is supporting what I consider to be a well thought-out program.

We know that the war on poverty has been the butt of criticism, some of it justified, because it has been a new program. I think the committee, in supporting the bill, however, has strengthened the war on poverty and its administration. It has demonstrated its dedication

to eradicating poverty in this country to the extent we possibly can. It has strengthened the existing programs that have proven themselves of value by transferring, and intending to continue to transfer, these programs and others to agencies that are permanently established to fulfill their purpose thus leaving OEO as the innovative and creative body designed to pioneer and break new ground.

The distinguished chairman has mentioned the Director of the OEO and his appearances before the committee. Mr. Donald Rumsfeld served as Congressman from my district for many years and is a longtime friend of mine. Almost more than any other man in Government, I admire him for taking on this job, for the administrative skill he brings to it, and his sense of dedication.

Those who have criticized him—and there have been some since none of us in public life are free from criticism—I think have not seen him from the standpoint or the vantage point that I see him. I have observed the deep feeling of conviction in Don Rumsfeld needed for carrying forward a program that has now been, well thought through. In its reform features, this program can perform better in the future than it could perform in the past.

Also, I believe we, and OEO are very fortunate to have Mrs. Carol Khosrovi serve as Director of Congressional and Intergovernmental Relations. She has served with the minority whip in the past, with Representative ROBERT TAFT, and with me for 2½ years as my legislative assistant.

Mr. NELSON. Mr. President, let me interject that the committee has been very pleased with the cooperation of Mrs. Khosrovi, who is a very talented person, and very helpful to the committee.

Mr. PERCY. I had fought hard not to lose her, but am pleased that, again, a woman has been placed in a very high position of responsibility.

She is a perfectly amazing person from the standpoint of her knowledge of government, her dedication, her administrative skill, and her soft heart and hard head as she carries these programs through. So I believe administratively we and OEO now have the tops in fine people.

I think Congress can now play a very important role. It is right for us to oversee and criticize, but it is wrong for us not to commend and point out programs that have been successfully executed. I hope that from time to time, in our oversight responsibility, we will give attention to those programs that are being successfully carried forward, because morale within the organization is a very important factor. That is why the 2-year extension, giving a degree of permanency to OEO that it has not had in the past and would not have with a 1-year extension, is extremely important to OEO in attracting good people.

I again commend the committee for the fine work it has done, and pledge my support for this report and for the bill, and any assistance that I can offer in these areas of great need.

Mr. NELSON. In behalf of the committee, I thank the senior Senator from Illinois.

This bill is the result of a good many days of cooperative, bipartisan effort on the part of both the minority and the majority, with each side making substantial and important contributions; and, on the whole, I think it is an excellent bill.

Mr. PERCY. Mr. President, if I might make one further remark. I noticed a comment in a syndicated column recently that the Director of the OEO had refurbished an office. The article gave the impression that the office was now rather elaborate. I believe that statement was based on total misinformation. The offices of the war on poverty are, at least some of them, threadbare. They are certainly not lavish by any standards; and I did want to the opportunity simply to assert that, from my standpoint, there has been no expenditure on behalf of the executive staff that is not fully warranted. Certainly the description that I read and my knowledge of the office that the Director maintains are 180 degrees opposed.

Mr. NELSON. I thank the Senator.

Mr. President, the Follow Through program can serve less than one-fourth of the children eligible for it.

A hunger expert told our subcommittee that there are 15 million chronically hungry or malnourished poor people in America. The emergency food and medical services program in this bill, even if fully funded, would invest slightly over $10 for each of those hungry people, in the hope of bringing them into some established food program, tiding them over an emergency, and accumulating some new knowledge on how to prevent such hunger in the future through better nutrition programs and more nutritious food.

The increased funding we have recommended for the legal services program is described by the American Bar Association as "absolutely the minimum acceptable."

The OEO estimates that 5 million medically indigent women would like family planning assistance. This bill would enable OEO to serve 280,000, and that would bring the number served by all such family planning programs, public and private, to an estimated 750,000—once again, just a fraction of the need.

And you could go through this bill program by program and make similar comparisons. These authorizations are the bare minimum needed to make some impact on a desperate nationwide problem, the minimum needed if we are even to measure the effectiveness of such programs to make intelligent decisions on what to do in the future.

In summary, let me say to the Senate again:

This is moderate, responsible legislation, which has gone through the traditional process of public hearing, debate, discussion, negotiation and compromise. The result is a new bill which will meet the minimum requirements which the administration and the committee have determined to exist.

I hope that the Senate will act promptly on this legislation, and send it over to the House of Representatives.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD at this point, together with tables listing the programs for which funds are earmarked, the amount requested by the administration, and the amount earmarked for each of the 2 fiscal years.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

TABLE 1.—ECONOMIC OPPORTUNITY ACT BUOGET FOR FISCAL YEARS 1969 ANO 1970
OFFICE OF ECONOMIC OPPORTUNITY

[In millions of dollars]

	Fiscal year 1969 program distribution	Fiscal year 1970	
		Johnson budget	President Nixon's budget
Title I:			
Pt. A (Job Corps)	280.0	280.5	180.5
Pt. B (work and training)	632.7	721.8	709.8
Pt. O (special impact)	22.0	46.0	46.0
Title II (community action programs)	933.0	1,032.7	1,012.7
Sec. 222(a)(1), Headstart	(322.9)	(338.0)	(338.0)
Sec. 222(a)(2). Follow Through	(30.0)	(60.0)	(60.0)
Sec. 222(a)(3), legal services	(42.0)	(50.0)	(58.0)
Sec. 222(a)(4), comprehensive health services	(54.2)	(90.0)	(80.0)
Sec. 222(a)(5), emergency food and medicaid services	(23.5)	(17.0)	(25.0)
Sec. 222(a)(6), family planning	(12.6)	(15.0)	(15.0)
Sec. 222(a)(7), senior opportunities and services	(4.9)	(3.8)	(8.8)
Title III:			
Pt. A (rural loans)	6.0	12.0	12.0
Pt. B (mirgant and seasonal farmworkers)	27.3	34.0	34.0
Title VI (administration and corodination)	15.0	16.0	16.0
Title VIII (VISTA)	32.0	37.0	37.0
Total	1,948.0	2,180.0	2,048.0

TABLE 2.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1970
[In millions of dollars]

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1970 additional appropriations authorized (sec. 3(c))	Fiscal year 1970 total authorization if fully funded
Title I, pts A and B (work and training)	890.3		890.3
Title I, pt. D (special impact)	46.0	7.0	53.0
Title II, Community action programs:			
Headstart	338.0	120.0	458.0
Follow Through	60.0		60.0
Legal services	58.0	16.0	74.0
Health services	80.0	40.0	120.0
Emergency food and medical services	25.0	75.0	100.0
Family planning	15.0		15.0
Senior opportunities and services	8.8	1.6	10.4
Funds not earmarked	427.9		412.9
Funds reserved for new programs:			
Alcoholic counseling and recovery		(10.0)	10.0
Drug rehabilitation		(5.0)	5.0
Title III, pt. A (rural loans)	12.0		12.0
Title III, pt. B (migrant and seasonal farmworkers)	34.0	7.5	41.5
Title IV, pt. B (day dare projects)		25.0	25.0
Title VI (administration and coordination)	16.0		16.0
Title VII (VISTA)	37.0		37.0
Total	2,048.0	292.1	2,340.0

TABLE 3.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1971
[In millions of dollars]

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1971 additional authorized appropriations (sec. 3(c))	Fiscal year 1971 total authorization if fully funded
Title I, pts. A and 8 (work and training)	$890.3		$890.3
Title I, pt. D (special impact)	46.0	$14.0	60.0
Title II—Community action programs:			
Headstart	338.0	240.0	578.0
Follow through	60.0		60.0
Legal services	58.0	32.0	90.0
Health services	80.0	80.0	160.0
Emergency food and medical services	25.0	150.0	175.0
Family planning	15.0		15.0
Senior opportunities and services	8.8	3.2	12.0
Title II funds not earmarked	427.9		397.9
Funds reserved for new programs:			
Alcoholic counseling and recovery		(15.0)	15.0
Drug rehabilitation		(15.0)	15.0
Title III, pt. A (rural loans)	12.0		12.0
Title III, pt. B (migrant and seasonal farmworkers)	34.0	15.0	49.0
Title V, pt. B (day care projects)		50.0	50.0
Title VI (administration and coordination)	16.0		16.0
Title VII (VISTA)	37.0		37.0
Total	2,048.0	584.2	2,632.2
Additional unearmarked portion of fiscal year 1971 authorization if fully funded to be used in Director's discretion			100.0
Total			2,732.2

Section-by-Section Analysis of Economic Opportunity Amendments of 1969

Section 1. Short title

Section 1 of the bill provides that this legislation may be cited by the short title of "Economic Opportunity Amendments of 1969."

Section 2. Extension of economic opportunity act

Section 2 extends the duration of the authority of the Director of the Office of Economic Opportunity to carry out programs under the Economic Opportunity Act for 2 years beyond the existing law's expiration date of June 30, 1970.

Section 3. Authorization of appropriations

Section 3(a) authorizes appropriations of $2,048 million for fiscal year 1970 and $2,148 million for fiscal year 1971 for carrying out the Economic Opportunity Act. (For authorization of additional appropriations for specified programs, see sec. 3(c).)

Section 3(b) sets forth the basic amounts to be earmarked for specific programs under the Economic Opportunity Act out of appropriations made pursuant to subsection (a). Amounts are earmarked by title or parts thereof; and, in the case of title II, part of the amounts for that title are earmarked with portions to each of the special emphasis programs set forth in section 222(a). For both fiscal years 1970 and 1971, the same amounts are earmarked for each of the items each year. (The amounts earmarked add up to a total of $2,048 million, earmarked for each of the 2 fiscal years. With respect to fiscal year 1971, this would leave $100 million unearmarked if the appropriations authorization of $2,148 million is fully funded.)

If the sums appropriated fall short of the total ($2,048 million) necessary to fund fully each earmarked category, then the amounts specified for each item must be prorated by reducing ratably each of the amounts.

All of the bill's provisions with respect to earmarking are subject to section 616 of the Economic Opportunity Act, which (as amended by section 4 of the bill, described below) authorizes up to 15 percent of the funds earmarked for any category to be transferred to any other program or activity under the Economic Opportunity Act.

Following are the amounts which subsection (b) earmarks for the various purposes of the Economic Opportunity Act.

(1) $890,300,000 for parts A and B of title I (work and training programs).

(2) $46 million for part D of title I (special impact programs).

(3) $1,012,700,000 for title II (urban and rural community action programs), of which $338 million shall be for the Project Headstart program, $60 million for the follow through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

(4) $12 million for part A of title III (rural loan programs).

(5) $34 million for part B of title III (assistance for migrant, and other seasonally employed farmworkers and their families).

(6) $16 million for title VI (administration and coordination).

(7) $37 million for title VIII (domestic volunteer service programs—VISTA).

Section 3(c) authorizes these additional appropriations (over and above appropriations authorized above) for specified programs under the Economic Opportunity Act.

(1) $7 million for fiscal year 1970, and $14 million for fiscal year 1971, for special impact programs (title I–D).

(2) $120 million for fiscal year 1970, and $240 million for fiscal year 1971, for Project Headstart.

(3) $16 million for fiscal year 1970, and $32 million for fiscal year 1971, for legal services.

(4) $40,000,000 for fiscal year 1970, and $80,000,000 for fiscal year 1971, for comprehensive health services.

(5) $75,000,000 for fiscal year 1970, and $150,000,000 for fiscal year 1971, for emergency food and medical services.

(6) $1,600,000 for fiscal year 1970, and $3,200,000 for fiscal year 1971, for senior opportunities and services.

(7) $7,500,000 for fiscal year 1970, and $15,000,000 for fiscal year 1971, for assistance for migrant and seasonal farmworkers (title III–B).

(8) $25,000,000 for fiscal year 1970, and $50,000,000 for fiscal year 1971, for day care projects (title V–B).

Section 4. Amendment to provide increased flexibility in use of funds

Section 616 of the Economic Opportunity Act provides that, notwithstanding any limitation on appropriations for any program or activity under this act or any act authorizing appropriations for such program or activity, up to 10 percent of the amount appropriated, or allocated from any appropriation, to carry out any such program may be transferred to be used in carrying out any other program or activity under the act.

Clause (1) of section 4 of the bill would amend the above-described provisions by increasing the percentage which may be transferred from 10 to 15 percent of the allocation for any program.

In addition, clause (2) of section 4 of the bill would remove the existing law's restriction which prevents the transfer of funds to other programs in such a manner as to result in increasing by more than 10 percent the amounts otherwise available for any program or activity.

Section 5. Adequate leadtime

Section 5(a) amends the Economic Opportunity Act to provide for advance funding of programs under the Economic Opportunity Act by authorizing the inclusion of the appropriation for a particular fiscal year in the appropriation act for the preceding fiscal year.

Subsection (b) of section 5 of the bill makes clear that, in the transition from the present funding pattern to the advance funding pattern, the amendment made by subsection (a) (as described above) is applica-

ble even though during the first year of the changeover the appropriation bill or bills may contain two separate appropriations— one for the then current fiscal year as well as another making the advance appropriation for the succeeding fiscal year.

SECTION 6. PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

Section 6 adds language to section 222 (a) (1) of the act to provide that persons who are not members of low-income families may be permitted to receive services in Headstart projects. That provision would be implemented pursuant to regulations prescribed by the Director. The amendment further provides that, where a family's income is, or becomes through employment or otherwise, such as to make payment appropriate, a family which is not low income may be required to make payment, in whole or in part, for services provided in a Headstart project.

SECTION 7. TECHNICAL AMENDMENT REGARDING OBLIGATION OF APPROPRIATIONS

Section 7(a) contains a technical amendment to the Economic Opportunity Act to make clear that a proposed contract, agreement, grant, loan, or other assistance under the act shall be obligated, if finally approved, out of the appropriation for the fiscal year current at the beginning of the 30-day period afforded the Governor for his consideration, rather than at the end of the review period.

Subsection (b) confirms past practice in accordance with the above-described amendment.

SECTION 8. NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

Section 8 amends section 222(a) of the Economic Opportunity Act by adding two new programs:

The proposed new paragraph (8) establishes an "Alcoholic Counseling and Recovery" program designed to discover and treat the disease of alcoholism. The program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

The Director shall reserve and make available for carrying out the Alcoholic Counseling and Recovery program not less than $10 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

The proposed new paragraph (9) establishes a "Drug Rehabilitation" program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants, such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize their reentry into society rather than their institutionalization.

The Director shall reserve and make available for carrying out the Drug Rehabilitation program not less than $5 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

SECTION 9. AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

Section 9 provides that the authority of section 602(d) of the Economic Opportunity Act (authorizing delegation of the Director's powers to the heads of other Federal agencies) shall not apply to the legal services program authorized under section 222(a)(3) of such act. Section 9 further provides that the Director of the Office of Economic Opportunity shall not delegate the legal services program to any other existing Federal agency.

SECTION 10. CREDITING SERVICE OF A VISTA VOLUNTEER

Section 10(a) of the bill amends subsections (b) and (j) of section 8332 of title 5, United States Code, to provide that, if a person who has been a VISTA volunteer later becomes a Government employee subject to civil service retirement, the period of service as a VISTA volunteer shall be credited (i.e., the time is credited if the employee pays into the fund to cover such period).

Section 10(b) amends section 833 of the Economic Opportunity Act by adding a new subsection providing that any period of service as a VISTA volunteer shall be credited in the same manner as civilian employment by the U.S. Government for subsequent service to which the Foreign Service and civil service retirement systems are applicable, and, except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the Civil Service and Foreign Service laws.

Section 10(c) provides that amendments made by this section shall be effective as to all former volunteers employed by the U.S. Government on or after the effective date of this legislation.

SECTION 11. AUDIT REQUIREMENT

Section 11 of the bill amends section 243 of the Economic Opportunity Act for adding a new subsection providing that the Comptroller General of the United States or his representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under title II of the act.

SECTION 12. USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAM

Section 12(a) provides that the Director of the Office of Economic Opportunity shall establish procedures and make arrangements designed to assure that facilities and equipment at closed Job Corps centers will be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations for special youth programs.

Such agency must have satisfactory arrangements for utilizing the facilities and equipment for conducting programs, especially for low-income disadvantaged youth, such as the following examples: Special remedial programs; summer youth programs; exemplary vocational preparation and training programs; cultural enrichment programs, including music, the arts, and the humanities; training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and youth conservation work and other conservation programs.

Subsection (b) provides that the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administration of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor, to achieve the objectives of this section.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MONDALE. As a majority member of the Committee on Labor and Public Welfare and the Subcommittee on Poverty and Manpower, I know I speak for all of the members on our side of the table when I express our appreciation to the distinguished Senator from Wisconsin for the remarkable way in which he conducted the hearings and developed the legislation which enjoys such broad bipartisan support here today. I think the committee bill advances the objectives underlying the Economic Opportunity Act objectives which we continue to work for, and hopefully achieve. To achieve these objectives we are acting on this measure today and hopefully will pass it tomorrow. I wish personally to join other Senators in commending the Senator from Wisconsin for his gifted and creative leadership.

Mr. President, I rise to express my support for S. 3016, a bill reported by the Senate Labor and Public Welfare Committee to extend the Office of Economic Opportunity. This bill, which extends the authorizations for the Economic Opportunity Act for 2 years, and provides increased funds for its most successful programs, will strengthen and improve desperately needed antipoverty efforts. It provides the administration with substantially increased flexibility, and with the 2 year extension it requested, while authorizing modest, yet vitally needed increased funding for programs such as Headstart, legal services, comprehensive health services, and emergency food and medical services.

The need for this legislation was graphically portrayed by witness after witness testifying before the Subcommittee on Employment, Manpower, and Poverty, and is perhaps best summarized in the following passage from the report of the Committee on Labor and Public Welfare on this bill:

> Despite the apparent affluence of the Nation as a whole, poverty, and the social problems which go with it, remains a deeply serious problem in America and demands the urgent attention of the federal government. . . . Although there are (and perhaps always will be) differences of opinion as to the precise manner in which to attack the problems of poverty, there is almost universal agreement that vigorous governmental action is needed, and that substantial resources must be committed to the fight.

While other problems and other programs such as the war in Vietnam, inflation, and the moonshot compete for the Nation's attention and the Nation's resources, we cannot afford to ignore the problems of poverty. Although important progress has been made in recent years, over 25 million Americans are still mired in poverty and deprivation. Our country simply cannot tolerate this tremendous destruction and waste of human resources. We need to invest more into efforts to prevent and remedy the conditions of malnutrition, cultural deprivation, financial need, ill health, that plague the poverty stricken. I believe that S. 3016 will strengthen and improve our

efforts to eradicate poverty in America, and I ask my colleagues to support it.

The committee bill adopts President Nixon's budget proposals for OEO and then adds additional funds for Headstart, legal services, comprehensive health services, emergency food and medical services, migrant and seasonal farmworker programs, senior opportunities, day care, and special impact programs. I support the increased authorizations for all these programs, and would like to discuss several of them in particular.

HEADSTART

In addition to the $338 million requested by President Nixon for Project Headstart, the committee bill adds a $120 million extra authorization for fiscal year 1970 and a $240 million extra authorization for fiscal year 1971.

The need for these immediate yet modest authorization increases for Headstart became evident during recent hearings which the Employment, Manpower, and Poverty Subcommittee held on S. 2060, a bill I introduced entitled "The Headstart Child Development Act of 1969." These hearings revealed the crucial effects of the first years of life, the ways poverty and deprivation can prevent children from reaching their full potential, and the effectiveness of Project Headstart and other early childhood programs which provide health care, nutritional aid and education stimulation to impoverished children. They clearly indicated that while we may not have discovered all the solutions to all early childhood problems, we do know how to prevent a great deal of nutritional, health, and intellectual damage from occurring.

During these hearings the subcommittee learned about the effectiveness of current Headstart efforts, and about the administration's plans to substitute full year Headstart programs for many of the summer Headstart programs which are currently being funded. The hearings further revealed the pilot-like nature of the Headstart program. It became evident from testimony presented that Headstart is barely scratching the surface of need by serving only about 10 percent of the 6 million disadvantaged children under age 6 who should be offered Headstart opportunities.

In its congressional presentation, further supported by the administration's testimony on S. 2060, OEO said:

Evaluative evidence gathered so far suggests that full year programs are more effective than summer in fostering sustained developmental gains.

On the basis of this knowledge, the administration proposes, and I strongly support, plans to substitute full year Headstart programs for many of the summer Headstart programs currently being funded. This proposal is based at least in part on one of the major recommendations of the Westinghouse Learning Corp.'s study on Headstart effectiveness. That recommendation states that summer programs "should be phased out as early as feasible and converted into full year or extended year programs."

However, because Headstart programs cost approximately $800 more per child than summer programs, if this substitution occurs without increasing the budget, a sustantial reduction in Headstart opportunities will be required. The administration estimated, for example, that approximately 180,000 fewer Headstart opportunities would be available during fiscal year 1970 if conversion progresses as they expect and if no more funds are provided.

The committee concluded that a cutback in the number of children served by this program cannot be justified. Increased authorizations recommended by the committee are designed to permit the conversion of summer programs to full year programs to occur without requiring a decrease in the number of children served. I strongly urge my colleagues in the Senate to retain this very important provision, and then work with me to gain the necessary appropriations so that Headstart program is not cut back any further.

Mr. President, I think it will be observed that this is a modest objective. We are not asking that the number of children being served by Headstart be increased at all. We are simply struggling to keep the same number within the program. Despite the admitted and unargued need for a program that reaches some 6 million children who are estimated to be disadvantaged, this program, even with the increased authorization, would reach only about 600,000 children in this country.

I applaud President Nixon for helping to draw national attention to the critical importance of the first 5 years of life by pointing out that most of our institutions do little or nothing to furnish nutritional, educational, cultural, health, or any other kind of assistance to children who are in their most formative years of life.

Thousands and perhaps millions of American children now start school in the kindergarten or the first grade so far behind that they will never catch up or have a chance for a meaningful life.

If we really want to defeat poverty, reduce welfare loads, bring assistance to those who are poverty stricken, and afford an equal opportunity for all Americans, as we have said so often, we must begin a real effort in the first 5 years of life and give every child a real chance.

We are not doing so today. Fortunately, there are long overdue efforts, of which Headstart is one, to begin to do this. Surely this is no time to roll back our efforts and reduce the number of children being served.

I hope, therefore, that the increased authorization recommended by the committee will be adopted and will be matched by full funding so that we may sustain the effort now underway with the current number of children being served.

Mr. President, I would like to turn now to the legal services recommendations contained in the pending legislation.

LEGAL SERVICES

In addition to the $58 million requested by the administration for legal services, the committee bill adds an extra $16 million authorization for fiscal year 1970 and an extra $32 million authorization for fiscal year 1971.

I believe it is extremely important that the legal services program—perhaps the most successful of the OEO programs—be improved and strengthened. The American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association have stated in testimony before the subcommittee in regard to the need for increased authorizations for legal services that "it has been and remains our opinion that a level of $90 million is necessary to meet the immediate need for legal services."

The committee report discussing these increased authorizations reveals very clearly the need for an expanded program. It notes, for example, estimates that only 15 percent of the poor have access to legal services' or VISTA's lawyers, and that many of the country's metropolitan areas have no organized legal aid services. It shows, moreover, that last year OEO received applications from over 100 communities, totaling $40 million, for new legal services programs which it had to turn down for lack of funds. I urge the Senate to retain these authorization increases for legal services so that the work of this program can be expanded and improved, and so that the Council on Legal Education Opportunity can receive more adequate funding for its programs designed to make available to disadvantaged students opportunities for law study and to facilitate their entry into the legal profession.

One of the remarkable efforts we have in this country today is that being undertaken by the American Association of Law Schools in cooperation with the American Bar Association to expand OEO legal services, to maintain and insure its integrity, and to bring into play the remarkable abilities and qualities of American law schools and their faculties to make legal representation for the poor a reality.

The attitude and the spirit of this effort is perhaps best summarized in the committee report on pages 19 and 20. It is a statement by Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants. He said this:

I think one of the very important concepts of the legal services program, Mr. Chairman, is the idea of broad services to the poor. We are trying to convince the poor that in these legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably. That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits to the Department of Health, Education, and Welfare itself, if necessary.

I think this is terribly important. *I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society.* We know from documented reports by various presidential commissions and by hearings that you yourself have participated in *that the poor by and large have little confidence in our society, in its structure, in its institution,*

in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets and that there is violence on our campuses. (Italic supplied.)

What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife torn campuses in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client, not a local city, not a local unsympathetic mayor who may not believe in their cause and not an unsympathetic chief executive of a State government.

Mr. President, these are the words of the official representative of the American Bar Association. I congratulate him, and I congratulate the American Bar Association for its spirited and inspired advocacy of the size, the integrity, and the spirit of the program.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield for a question.

Mr. DOLE. I am sorry that I have not heard all the remarks of the Senator from Minnesota, but I am wondering if he knows what percentage of the money in this program is used to pay attorney's fees in divorce cases and separate maintenance cases?

Mr. MONDALE. We had extensive hearings. I would have to check the record to see if it specifies the percentages in that area. I do not know.

Mr. DOLE. The point I make is that much of what the Senator from Minnesota has said is true. The lawyers perform a very specific service. But in effect we have the Federal Government subsidizing home wrecking. I think in some States it is very high. We have had 70 to 80 percent of the funds used for divorce cases and separate maintenance cases. So we had the Federal Government involved not in keeping people together but in breaking up families. I am wondering if this is the purpose of the program.

Mr. MONDALE. Is the Senator's question whether the purpose of the act is to break up families?

Mr. DOLE. The legal services portion, yes.

Mr. MONDALE. If that is the main purpose?

Mr. DOLE. I am asking the Senator the question because we subsidize lawyers to file divorce cases; and I recognize that in some instances, in order to get support, it is necessary to file a case for divorce or separate maintenance. While the Senator is lauding the program, I think it is well to point out that it is not quite all that rosy.

Mr. MONDALE. I think there are a few programs which have inspired the support of the public at large and of both political parties more than the OEO legal services.

Mr. DOLE. I know the lawyers like it.

Mr. MONDALE. I point out to the Senator that this is one of the few programs which the President, himself, asked to be increased in the budget which he sent to Congress. He asked for a $16 million increase in the budget for legal services.

The American Bar Association, which is not known as an extreme left wing, anarchical, or socialist organization interested in breaking up homes, sent this letter today, and I should like to read it to the Senator from Kansas:

DEAR SENATOR MONDALE. In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range—

I emphasize that.

of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I emphasize that.

I do not want to stand on the floor of the Senate and advocate divorce, but it is a rather common aspect in the normal litigation of the courts. The American Bar Association has said:

We should not deny to the poor access to the courts in any legitimate area affecting their interests.

They conclude:

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. Segal is the president of the American Bar Association.

Mr. President, if this country and its institutions, including the U.S. Government, are to have any credibility with the poor, surely we must begin with the principles of our system of justice. Our court systems and our laws should mean the same to all people, rich or poor. All citizens should have the same chance to have their cases advocated independently and fully, regardless of their capacity to pay for a lawyer. This is true not only in terms of personal, individual litigation which directly affects the health and the future of a family, but also in terms of law reform.

I was pleased when I asked Mr. Rumsfeld, the Director of the Office of Economic Opportunity, whether he agreed with the OEO legal services programs as they affect law reform. He said this, as set forth in the hearings on his nomination, at page 28:

Mr. RUMSFELD. As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.

That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

Mr. President, I ask unanimous consent that the letter from the president of the American Bar Association, to which I referred earlier, be printed at this point in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Washington, D.C., October 13, 1969.

Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. MONDALE. Mr. President, this is not the time, it seems to me, to go into detail about the most impressive OEO program which is being undertaken today by the law schools of this country. I would simply ask unanimous consent that as this point a review of the COEO programs, as set forth in the committee report, be printed in this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The committee has heard excellent testimony about the work of the Council on Legal Education Opportunity, called "CLEO." CLEO is conducting programs designed to make available to disadvantaged students opportunities for law study and to facilitate the entry into the legal profession of members of disadvantaged groups. This will increase the availability of legal services to the poor by

members of those groups. The committee is very impressed with these efforts, and feels that it would be highly appropriate for the Office of Economic Opportunity to continue supporting the summer remedial institutes and to begin exercising its existing authority to help the students meet the costs of the subsequent phases of their studies. Part of the reason the committee earmarked and increased authorizations for the legal service program was to make additional funding available for these purposes. The committee believes, therefore, that a portion of any increased appropriations for legal services should be used for CLEO.

Mr. MONDALE. Mr. President, of equal importance to the integrity and effectiveness of the legal services program is the provision of the committee bill which would prohibit delegation of legla services from OEO to any existing Federal agency or department. This nondelegability provision is based on the committee's conclusion that legal services' attorneys must be free to represent their clients in actions against Government agencies, and that by retaining legal services in OEO possible conflict-of-interest problems and constraints are held at a minimum.

As the committee report indicates, the idea of the delegaiton of legal services to the Department of Health, Education, and Welfare or the Department of Justice presents grave conflict of interest possibilities. The American Bar Association, the National Legal Aid and Defender Association have urged the administration to retain legal services in OEO in order to assure the professional quality and independence of the program. The committee bill would assure this independence, and I hope the Senate will retain this nondelegability provision in the bill.

The administration says it has no intention of delegating these OEO legal services into any other existing agencies and this provision merely ratifies the current policy of the administration.

Mr. President, I would now like to turn to the migratory labor provision of the act.

MIGRATORY LABOR

In addition to the $34 million requested by the administration for migrant and seasonal farmworker programs under title III–B of the Economic Opportunity Act, the committee adds $7.5 million for fiscal year 1970 and $15 million for fiscal year 1971.

The story of migrant and seasonal farmworker exclusion from most Government programs is known too well. It is documented in the committee report. Title III–B of the Economic Opportunity Act is one of the promising Government programs providing assistance to migrant workers, yet it reaches barely 20 percent of the 1 million migrant farmworkers and their families.

The work of the Subcommittee on Migratory Labor, which I am privileged to chair, has indicated the need for strengthened programs for migrant and seasonal farmworkers, particularly for programs focusing on reemployment, readjustment, and resettlement attempts by migrant workers who face job displacement in the future. I am hopeful the Senate will retain this needed authorization increase for title III–B, and work for adequate funding of this program during the appropriations process.

EMERGENCY FOOD AND MEDICAL SERVICE

Mr. President, I have had an opportunity to visit many migrant camps in Texas, Florida, California, in my own State, and elsewhere. I had an opportunity over the last year to hold extensive hearings on the conditions of the migratory labor force of this country. I do not think any section of our society works harder and receives less in pay and security than does the migratory work force of this country. One of the few things this country has done to be of minimal assistance is the funding under section 3(b) for programs of assistance for migrant and seasonal farmworkers. It is a modest program and surely inflation dictates improvement in the funding level of the 3(b) program. The authorization increase not enough but it continues some progress and momentum in this most important program which is often overlooked but for which there is profound and compelling need.

Mr. President, another very important improvement in this measure is to increase funding for the emergency food and medical services program. The committee bill adds $75 million to the administration's $25 million request for this program for fiscal year 1970, and an additional $150 million for fiscal year 1971.

This program is desperately needed. The President has wisely pointed to the widespread hunger and malnutrition in this country, and it is a national disgrace.

We have agreed to legislation in the Senate which needs to be passed by the House of Representatives, and needs to be funded, to make a substantial step forward in meeting the problems of malnourishment in this country. I am glad we took that step but all of these programs depend on the existence of workers to help find and bring food assistance to the poor. Those who need help most are the last ones who receive help. They are the aged who suffer in silence, the mentally ill, the disabled, the people who have been so suppressed and denied that they are disoriented and unable to state their cases. They are the ones who lead what might be called a shadow life.

We have seen how the present programs work. Although we have had food stamps for years, seven States still have no food stamp program, 400 counties still have no food stamp program, and of the 1,140 counties that do have a food stamp program, over 700 of them have only token programs which deliver food stamp assistance to fewer than 20 percent of those who need food assistance.

We have had some experience with outreach programs under the emergency food programs which shows that where there is an ability and a commitment to find and qualify persons who need food stamp assistance, that the percentage of those participating rises dramatically. Without that help, even with a good theoretical national program, it remains a token effort at feeding the hungry.

LEADERSHIP OF PRESIDENT CHUNG HEE PARK IN THE REPUBLIC OF SOUTH KOREA

Mr. MILLER. Mr. President, an excellent article by columnist Jack Anderson appears in today's Washington Post on the Korean situation.

He points out that President Chung Hee Park has led the Republic of South Korea to a remarkable economic expansion rate, which last year was second only to that of Japan.

Under his leadership, moreover, South Korea has attained one of the finest armies in Asia; and the two ROK divisions which have been fighting side by side with United States and South Vietnamese ground forces against the Communist aggressors from North Vietnam have acquitted themselves most capably and with great honor.

When I first met President Park nearly 4 years ago, during my visit to our military forces in South Korea, I was especially impressed by his realism and his dedication to a just and lasting peace in the Far East. He, along with President Marcos of the Philippines, exercised great leadership in calling the Manila Conference of the seven nations fighting as allies in South Vietnam—a conference which held out hope that all peace-loving nations of the Far East would some day join together to secure a just and lasting peace.

Meanwhile, however, the warlike attitude of the leaders of North Korea has, as in the case of the intransigience of the leaders of North Vietnam, continued to prevent peace-loving peoples from living in peace. President Park's realism has kept the people of his country alert to the dangers of renewed Communist aggression, while, at the same time, they have moved steadily ahead toward the goal of good government and economic self-sufficiency. In fact, upon my return to the United States in 1966, I pointed out that South Vietnam could, indeed, have a bright future after Communist aggression had been stopped, and I pointed to South Korea as an example of why such optimism was justified.

It requires strong and imaginative leadership to inspire a people, recovering from a costly war and invasion of their homeland and threatened by a renewal of more of the same tragedy, and to cause them to lift themselves up by their own hard work and dedication. That leadership President Park has brought to his people. I know many of us, who have had an opportunity to witness what it has meant, hope that it will be continued.

I ask unanimous consent that the article, "New North Korean Move Hinted," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW NORTH KOREAN MOVE HINTED

(By Jack Anderson)

TOKYO.—While world attention is riveted on Hanoi, Americans in Asia are keeping a wary watch also on remote Pyongyang, where North Korea's obstreperous Kim Il Sung no doubt is planning some new humiliation for the United States.

Intelligence estimates warn that, even now, he is probably preparing a new provocation. The next incident, indeed, may be more serious than anything he has pulled in the past—perhaps the slaughtering of a few hundred American GI's in their beds at one of the base camps near the DMZ.

Such an outrage not only is possible but probable, in the view of those who study the intelligence that leaks out of Kim's tight little dictatorship.

His aim, they say, is to pressure the U.S. to pull its forces out of South Korea and to organize a Vietnam-style uprising against the Seoul government. As in Vietnam, the resistance would be waged in the name of freedom and democracy, complete with a liberation front made up of non-Communist figureheads.

Once the liberation front takes over the South, if Kim's strategy can be implemented, "peaceful unification" of the country would be negotiated between Pyongyang and Seoul. This would be followed, of course, by the communization of Korea.

TWO-BIT MAO

Kim Il Sung is a moonfaced, bush-league Mao Tse-tung, who has imposed a ruthless Communist rule upon his bleak, mountain citadel. Every time he can get away with humiliating the U.S., it magnifies his importance in world eyes.

The continuing incidents also have the strategic purpose of making the American presence in South Korea as painful as possible, thus bringing pressure upon Washington to pull out. His calculated strategy, say the analysts, is to stage harassments that will cause the U.S. maximum embarrassment without provoking military retaliation.

After the seizure of the spy ship Pueblo, the U.S. command took elaborate precautions to prevent another incident. But the calculating Kim easily downed an EC–121 spy plane on one of its milk-run missions when he was ready to tweak Uncle Sam's whiskers again.

Frantic new precautions have been taken, but intelligence experts warn that he probably has another outrage ready to spring whenever the timing is right. The only question, in their opinion, is how President Nixon will respond. If he lives up to the bold words of his campaign—when he implied that he would never as President endure a Pueblo humiliation—there could be serious fighting again in Korea.

KIM'S REVOLUTION

Kim Il Sung is encountering considerable difficulty, meanwhile, fomenting revolution in the South. He has trained 39,200 guerillas, by U.S. intelligence count, in the subversive skills necessary to mount a resistance movement across the 38th Parallel. They belong to elite North Korean military units, such as the 124th Army unit, 283d Army unit, Foot Reconnaissance Army unit, 17th Reconnaissance Brigade and Guerilla Guidance unit.

As fast as they have infiltrated into South Korea, however, they have been killed and captured by alert border and coastal patrols. An intelligence report estimates that "over 85 per cent of their separate infiltration attempts" have failed.

The report warns, however, that "one alternative course of action they may resort to in the future is simultaneous multiple strikes at the major installations in coastal areas by large-size teams, when the political developments in ROK (Republic of Korea) seem to be favorable to them."

Their purpose, according to the report, would be "to create maximum social disorder."

To whip up a Vietnam-style revolution in South Korea, however, the Communists really require a Saigon-style government in Seoul. The heartening fact is that the Seoul government is strong, stable and, aside from a small vocal minority, popular.

Under President Chung Hee Park, the once-backward South Korea has achieved a remarkable economic expansion rate which last year was second only to Japan of the world's 130 nations. He has set a personal example of austerity to encourage his people to pull themselves up by their sandal straps.

KOREANS IN VIETNAM

At the same time, he has fashioned one of the finest armies in Asia. Few American units have been more rugged in combat than the two divisions he has sent to Vietnam. He has indicated privately, by the way, that he is willing to leave his South Koreans in Vietnam to help facilitate the American withdrawal.

It is hardly surprising, therefore, that the North Korean dictator is eager to expedite Park's departure from the Seoul government. Because of the Communist threat, Park has been persuaded to seek a third term. This requires a constitutional amendment, which is now grinding through the democratic processes. The final decision will be up to the South Korean people who will vote on the issue in a few days.

Kim has been bombarding South Korea with radio appeals calling upon the people to thwart the constitutional bid.

"It is inevitable," cries Radio Pyongyang, "for students and youth in the South to engage in the struggle against the plot of the government for prolonged political power."

"The people of the South," screamed another typical broadcast from the North, "can put an end to the plot of the constitutional amendment and overthrow the lackey of American colonialism only by means of force."

Backing up his words, Kim has also sent infiltrators into the South to stir up the people against the constitutional amendment. The North Korean efforts, however, are more likely to increase rather than decrease the vote for the controversial constitutional amendment.

BROOKLYN, IOWA—A TYPICAL SMALL TOWN

Mr. MILLER. Mr. President, what is a small town?

It is where human values are to be found—and appreciated.

It is where, in the words of one historian:

"To be an American is almost a moral condition."

It is where human relationships, with their warmth, their agonies, their cohesiveness, still exist.

It is where the sources of spiritual energy still flow.

It is where the importance of knowing, trusting, and helping your neighbor is a way of life.

A small town is people, traditions, and roots.

Mr. President, one such small town is Brooklyn, Iowa, the subject of a warm and understanding feature article by Sid Moody of the Associated Press. In the article, reprinted widely in the Nation's press, Mr. Moody caught the essence of the small town when he wrote:

Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.

That is a comforting thing to know.

Mr. President, for the benefit of those who have never known what a small town is like, or perhaps have forgotten, I ask unanimous consent that the article, entitled "Brooklyn People Are Kind, Decent, Helpful," which was published in the Columbus, Ohio, Dispatch of September 28, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS THE IOWA BUNCH, IN AMERICA'S HEARTLAND—BROOKLYN PEOPLE ARE KIND, DECENT, HELPFUL

(EDITOR'S NOTE.—Under the high Western sky, on the limitless plains the town of Brooklyn, Iowa, like many another small town, plays out the ancient cycle of life. Children are born; they grow up and raise their own families; old people die, leaving behind legacies of hard work, compassion and help. Old values may be questioned elsewhere in an age of despair, but here in the heartland of America, a stability remains. Here is a place for roots in a time of rootlessness.)

(By Sid Moody)

BROOKLYN, IOWA.—Population: 1,415 persons. Or maybe 1,414.

Floyd Griffith was buried the other day at 74. They saved the funeral flowers for the Sunday services the next day at the Presbyterian church.

Or maybe still 1,415. Kenneth Brannian down at the implement store and his wife, Esther, had a baby about the same time. A boy.

Nobody's really counted noses since the last census. But nobody thinks it will change much.

Ebb and flow. Of time. Of people. And a balance. A stability.

The corn the first settlers planted in the 1850s to break the virgin sod of the prairie still grows row upon row, clothing the hills in emerald corduroy.

Out beyond the fields, a doubting nation searches for the ideals and innocence of its youth. In Brooklyn, Iowa, they know about riots and urban rot and the fury of the young and the folly of war. But somehow these things sound as distantly as the thunder drumming dully along the horizon.

Brooklyn's problems are tied up with the cycle of life, with the music of time. Raising crops. Raising a family. Living. Solutions: hard work, concern, fellowship. Brooklyn is coping not unlike the way its grandfathers did and probably not unlike the way its grandchildren will.

In an age of despair and anxiety, that is refreshing.

Brooklyn, Iowa is where . . . candy boxes for the four-times-weekly picture show at the old Opera House lie unmolested all day on the sidewalk until someone bothers to bring them inside; where most houses have an American flag, where, one resident said, "Infidelity is the worst thing you can do here. I guess. And don't go to an out-of-town barber."

Brooklyn is also people.

Mrs. E. J. Stirniman: "I was born in Brooklyn in 1893. You can't keep that a secret in your home town."

Dressed in a blue print dress and white apron, white-haired, eyes intent behind her glasses as she pricked a banana cream dessert on the stove with a toothpick, she looked like vintage Norman Rockwell.

"They paved the street in town in 1919, and they haven't needed much fixing since. Electricity was about 1916. We had gas before. It kept going out."

Her husband, a retired engineer who had traveled the world for the Caterpillar Tractor Co., was playing pinochle in the next room with a grandson.

"I've lived everywhere," she said. Berlin. Sydney. Hawaii. Russia. I came back home during the war. The center of the country seemed safest. And the eats are about the best in the country. And we had been uprooted so many times, I thought the kids ought to have roots."

Brooklyn is where . . . you can stand on a corner at 10 p.m. and watch the lights go out after the television weather forecast. "This is a farm town," says Frank Morlan, 33-year-old publisher of the weekly Brooklyn Chronicle.

"They've either lived on the farm, have family on it or make part of their living off the farmers. When the weather is bad, people start getting edgy. Advertising even falls off."

Brooklyn is where . . . the Rev. Bernard Kamerick, pastor of St. Patrick's Catholic church, gave this very very brief sermon the other Sunday when it hit 99 degrees: "Hell, it's hot and that's where we'll all go if we don't behave ourselves."

Richard Frantz: One of Brooklyn's two lawyers, age 33, was born in an Iowa town smaller than Brooklyn.

"When I got out of law school, I didn't consider Iowa at all. I wanted to go to the big city. One thing is the wage difference and people want to see what's over the hill."

Frantz took a job with Standard Oil of Indiana in the Chicago general offices and moved into a bedroom suburb 35 miles from the Loop: Park Forest, one of William Whyta's anthill targets in his book "The Organization Man."

"You could have lived there 15 years, but no one thought of it as home. At best it was a permanent motel, a place you stopped on your way someplace else. At first, though, we had a ball. But after six years, I wanted to get out and go into my own practice. I was commuting three hours a day on the Illinois Central. It took a while to adjust to the way people treated women. If you gave up your seat, they looked at you like some oddball.

"It was hard to get people involved. Interracial things, for instance. It wasn't so much people were against it. They just didn't want to get involved. Here, if you see the church door needs fixing, you do something about it. There's pride in the community.

"Brooklyn doesn't have all the answers. You lose the ability as a professional man here to do what you please. Oh, you could sit on the porch with a scotch and soda in your hand, but you'd better not.

"But I firmly believe—and I didn't in my time—that growing up in a small town enables an individual to develop his fullest potential. That's a bunch of words, but take my son. He plays Little League not because he's a great athlete, but because there aren't many teams. He's not competing against 1,000 kids. There or in class, and isn't going to be pigeonholed, isn't predetermined as not college material. His possibilities aren't cut off. You aren't killing somebody early in his life.

"No, this isn't paradise. But if you want to feel like a place is home, to feel if you put in time to work you'll be successful without worrying whether your boss likes you, if you're willing to take a gamble, this is a place to find out your capabilities.

"Yes, gamble. I'd come back home from Chicago and tell my father, who's a farmer, about all the deals and speculation, and he'd say: 'Gee, those fellas really gamble.' But he's the biggest gambler in the world. He plants his corn, gambles it will rain, not hail and the price stays up. And weather can wipe out a year's work in minutes."

So "Rich" Frantz came home to Small Town U.S.A. to gamble on being his own man.

Brooklyn is where . . . if there are less than six persons at the movie, the show is canceled and where one night a man dashed out into the street and called a friend inside so there could be a quorum in the audience; where if you have money, you don't put it in Cadillacs "because," Morlan says, "people will think you have it made and will give their business to someone else they think needs it more."

Clem DeMeulenaere: The mayor, 82 last Fourth of July, born in Belgium. There are a number of Belgians around Brooklyn—townspeople call them "Belgiums." They are immaculate farmers.

"In Belgium if you're born poor, you stay poor all your life. When my family got here, they called us greenhorns. We weren't good enough for American girls. They thought we were too dumb to hold office. I went through the seventh grade and then three months in the winter. That's all us big farm lugs ever got. I used to have an inferiority complex.

"Now I think I'm as good as anybody. One of my son's a doctor over in Grinnell and pays more income tax than I ever made in my life. My son-in-law bought a combine for $15,000. That's more than I paid for all the machinery I ever bought."

A widower, Clem—what everyone calls him—has been in 48 states since retiring from the lush farm in back of his large house on Des Moines St. An old photo of his parents, mother in lace and father with handlebar moustache, hangs in a huge gilt frame in the parlor next to pictures of Presidents Roosevelt, Kennedy and Johnson. Clem's one of the Brooklyn Democrats, which didn't keep him from being elected county supervisor several times. He flew the flag for several days after the moon landing.

Brooklyn is where . . . the churches have a night men's softball league. The Presbyterians were short and the Catholics loaned them some players—but not their best ones.

Mrs. Laverne Hand: A tornado smashed a barn, hog house and grain bin on the Hand farm one Sunday evening recently when the family was in Waterloo on an outing. When they got back, neighbors had already gathered. Forty men pitched in to clean up the rubble and 22 women brought food. It's an old tradition, as old as the frontier. They call them "good neighbor deeds."

When Mrs. Hand lost her father-in-law of a heart attack two years ago, neighbors tractored over to cultivate his corn.

"I don't know what we'd do without them," said Mrs. Hand. She put an ad in the Chronicle thanking everybody after the tornado. Frank Morlan refused to take any money for it. "You've had enough trouble," he told her.

Junie Mannatt: Brooklyn's success story. Age 43. Usually in work shoes and pants and open-neck shirts, but about the only man in town who reads the Wall Street Journal, except for Clint Fowler, president of the town bank, who is also one of the few who wears a business suit to work.

"I always wanted to drive a truck," says Mannatt, so he quit college after one year and, with $60 of his own and the rest borrowed from his grandfather (he was too young to get a loan from the bank), bought one. He paid for it in eight months and bought another. And another.

He hauled grain, coal, livestock. Once when there was a local shortage of baling wire, he drove to Missouri, stopping at every town he came to, to buy up wire. Then he'd phone one of his trucks following him and say where to pick up a load.

"Farmers were so hungry for wire back home they bought it right off the truck.

"In 1954 some guys over in Victor got together $100,000 to put up a cement plant. I only had about $25,000, but by mixing bag by bag I got mine in first. I even sold the concrete to the Victor guys for their foundation." He bought them out in 1960 and now has eight plants in eastern Iowa.

"I'm not smart, but I can hire the brains. It takes a banker who believes in you, but you can't be afraid to work. Forget about having 50 cents in your pocket, and be honest and sincere with the people you deal with.

"If I was afraid of sticking my neck out, I'd still be driving that old truck. I still have the fever, though. I bought a $35,000 rig the first of June. I got in it and drove it up to Tama just to hear that Diesel purr."

Junie Mannatt now has 100 trucks, grosses $4 million in cement hauling and mixing a year, has several farms with more than 1,000 head of cattle—he bought one farm when he went to a farm auction since he'd never seen one and decided to buy the farm because the price seemed ridiculously low—which it was—and thinks "if you stand still you're dead."

Faith and Chester Hess: He farms more than half a square mile—farms are getting bigger and require as much as $100,000 in machinery. Hess plowed with horses until 1946. He now has two big tractors—with radios playing music to plow by—and wants to buy a third. Faith thinks the last time Chester sent her to Las Vegas it was to get her out of town so he could buy the last tractor.

Chester was smiling in the living room, one end of which was covered with trophies the children had won in 4-H. Faith had some friends in for home-made apple pie and ice cream after dinner. The talk was gossipy and good-humored. They mentioned a friend who had married a woman after courting her 35 years.

"And you know," said Faith, "she can't cook."

Outside the moon shone down on the cornfields and fireflies twinkled in the dark and a heifer stirred down by the barn.

Brooklyn is where . . . people say there isnt much crime except hot rodding kids, but Lyle Ziegler says there is, "just like everywhere else. Breaking and entry. Someone peeled a safe the other night." The last time he fired his bone-handled revolver was last fall, a warning shot at a drunk he was chasing through the Odd Fellow's Cemetery.

Brooklyn is where . . . people worry about the youth drain. Of the eight couples Father Kamerick has married since he came to Brooklyn last summer only one settled in town. Of Clem DeMeulenaere's 22 grandchildren, only one farms.

Blair Barclay: A 1967 graduate of Brooklyn's high school. There were 67 in his class; 32, including Barclay, went to college. He wants to be a veterinarian like his father, whose death of a heart attack last year was a community loss still felt.

"If anything happens to the country, I can always live off the farm. You can't live off a piece of cement. I've seen the cities. A small town guy can go to town and see what it's like. A city guy can't the other way. You can make yourself out here. There are going to be a lot of developments in agriculture. A normal family can live off 80 acres. People here have four and five hundred. The pioneering's not over yet."

Drugs here are not a problam, but a junior high boy caught with a cigaret is. Sex education not an issue, since farm children know the facts of life about the same age they learn to add one and one. Blair Barclay can snort at talk of generation gaps since the man he goes to when he has a problem is Gene Bush, a former blacksmith, now a metal worker, who is over 90.

And Brooklyn is where not everything is rosy. One woman, at least, said if a Negro walked into her church, she'd walk out. Not everyone was happy when a local girl joined a nude group—in protest over at Grinnell College, even though the protest was against Playboy magazine.

And there is the future. Some small towns in the Midwest are dead or dying. The signs are obvious: empty store windows, rusting gas pumps, grass in sidewalk cracks.

Brooklyn's stores, on the other hand, are leased. It's hard to find a house even remotely shabby. There may be two families in town receiving welfare and they had to be found: They didn't come looking for a handout.

What saved Brooklyn from the fate of some of her doomed neighbors are things tangible and intangible. For one, the new Interstate just south of town brings in a few big city tourists curious to see a rural Brooklyn. It means you can live in Brooklyn and still get to Des Moines and Iowa City, where the jobs are. The town is finding itself with a new species: the commuter.

Survivial means little things. "Like the town owning its own utilities," says Burt Gilette. "That gives us 15 jobs instead of one man from Iowa Southern coming into town Saturdays to collect bills."

"It may take only five or six people," said Junie Mannatt. "Boosting the town. Working for a park. Or a town pool." Or being a Junie Mannatt, who encouraged a young doctor to open his practice, who put up a garage for young Larry Anderson when he came to town back from Vietnam and said he wanted to open a body shop because, even though he was a college graduate, he could be his own boss that way.

It takes things as unsophisticated as "Booster Tuesday" when at 9 p.m. the announcer over at KGRN in Grinnell draws a number. If the holder of the number is in a store in Brooklyn when it is read on the air, he wins whatever is in the jackpot.

The money is actually credit at Brooklyn stores. The merchants used to give cash until one winner took the money and said:

"Now I can go over to Iowa City and buy some things."

And it takes pride. Pride in self. In community. In effort.

And it takes a sense of heritage. An awareness, articulated or not, that there are certain things one is expected to do for and with one's neighbor in a small community, and these things have long been known.

Dorothy and Maynard Lang: They farm the same land her great-grandfather bought in 1862 when he walked out from Ohio. They live in the rambling home he built in 1882. Her grandfather remembered seeing Indians race their ponies across the field near where Maynard Lang now milks his herd of Ayrshire cows.

The Langs are frugal. They are remodelling their house, a room at a time, each winter. Mrs. Lang sews her own clothes. "I haven't been in a dress shop in two years."

Her husband buys second-hand equipment and instead of erecting a silo for $6,000 or $7,000, he put up a concrete silage bunker for a fraction of the cost. They work hard 365 days of the year.

"I guess I'm independent," Lang said. "I want to be my own boss. I can't see riding around and around in a tractor all day. I want to see what I can do to improve the quality of my herd. My net worth isn't in my pocket, but I'm putting three kids through college, so I must be doing something right."

"We don't have all of the things our city friends do," his wife said. "But we have quiet. Birds. Lightning bugs. A boy running in and out of the house with no fat on him, all muscle."

Her youngest boy, barefoot and blond, had just raced into the house crying "Mom! Mom! Smokey got out!" and then dashed out into autumn in search of the missing family dog.

He is the fifth generation on the Lang's farm. Roots.

Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.

That is a comforting thing to know.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I believe it appropriate, in opening the debate on the extension of the Economic Opportunity Act, that the minority have an opportunity to be heard on the questions which have been raised in respect of this bill.

First, Mr. President, I would like to pay my tribute to Senator GAYLORD NELSON, chairman of our subcommittee, for the fairness, conscientiousness, and senatorial courtesy which he exhibited throughout, and which I hope will carry through to the enactment of the bill.

I am particularly impressed with the fact that the chairman of the subcommittee, recognizing that the 2-year extension was offered by the administration—which I introduced as the ranking minority member—was willing to espouse that and any aspect of the administration's program or approach which was consistent with the philosophy adopted by the majority, without any concern that it might be "credited" to the administration. That is a very creditable attitude when we have a divided affiliation between the administration and the Senate, and I wish to compliment my colleague on it.

There may be, as the debate goes on, much more emphasis on the negative than on the positive. Therefore, to get the record clearly in focus, I would like to lay out the tremendously important areas where we agree and where there is no contest.

First, the bill would provide for a 2-year extension of the authorization for appropriations beyond June 30, 1969, when the previous authorization expired. The leadership taken by the President on June 2 in recommending a 2-year extension and the fairness of Mr. NELSON and other members of the majority have been crucial factors in reaching the broad accord represented by the bill before you. Such an extension is clearly required. As the President stressed in his statement of June 2:

> A two-year extension will have a number of advantages. From a management standpoint, by allowing longer-range planning it will make possible a more orderly and efficient allocation of funds. From a recruiting standpoint, it will guarantee to those whose talents are needed that the Nation's commitment is a continuing one. Furthermore, an innovative agency has a special need for both continuity and flexibility. It is in the nature of experiments that some succeed, and some fail: a two-year extension will give greater assurance to those whose function it is to experiment that even though a particular program may fail, the lessons learned will be put to use, and that the larger effort of which it is a part will continue.

Second, there has been basic agreement as to the general role that the Office of Economic Opportunity should play in the total antipoverty effort. The President expressed that role in his June 2 message as follows:

> The primary role of the Office of Economic Opportunity should be innovative: to search out new knowledge and initiate new programs, serving as an "incubator" for experimental efforts.

The report of the majority of the committee accepts that role. On page 5, thereof, it states:

I think that these last words of the report are especially important ones: "to prod other agencies into action." When he appeared for confirmation, I asked the Director if he would consider himself as the advocate for the poor in other agencies. He agreed that he would.

> The OEO is supplemental and experimental. Despite claims which may have been made for it, it was never designed to be an all-inclusive program to abolish poverty. Neither the programs which it operates, nor the funds which Congress has appropriated to it have the capacity to lift 25 million American citizens out of poverty.

A corollary to the axiom that OEO is to be primarily an innovative office is the concept that it is healthy and normal for programs begun in OEO to be subsequently delegated or transferred to other agencies for operation. Under previous administrations, approximately 10 programs or activities were delegated to other agencies, a major portion of them to the Departments of Labor and of Health, Education, and Welfare. The present administration has followed that practice with respect to the Headstart program and the Job Corps program. As the committee report notes, on page 6:

> OEO was not intended to be a traditional agency and there are many who feel that it should not retain responsibility for operating established programs on a permanent basis. In this view, if it were to become simply another permanent operating agency, it would lose its vital character as an innovator and as a goad, assisgned to probe into new areas and to prod other agencies into action on neglected problems.

Third, there appears to be basic agreement that community action agencies should continue to have a crucial role in antipoverty efforts undertaken by the Office of Economic Opportunity and by other agencies and departments of the Federal Government. While there has been understandable concern over the future of these agencies—especially in light of the absence of the authorization of funds that this bill would provide—the commitment of the administration to a continued and expanded role for the community action agencies has been made clear by statements of the President and actions taken by the Office of Economic Opportunity. That commitment was most recently confirmed in a response to a letter to the President which Senator NELSON and I joined in sending early last month. The President's reply to me which was expressed in an identical letter to Senator NELSON, reads as follows:

> DEAR JACK: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.
>
> As stated in my February 19 message, I

intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.

The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.

It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.

Sincerely,

RICHARD NIXON.

It seems to me, Mr. President, that this is both for Senator NELSON and for myself a most important confirmation with respect to the community action agencies and their continued role.

The fourth matter, Mr. President, as to which we are of one mind, relates to the basic authorizations for appropriations set forth in section 3(a) of the bill. Interestingly enough, both the administration's positions for fiscal 1970 and for fiscal 1971 were, in substance, accepted. The amount authorized for fiscal 1970 is $2,048,000,000; and for fiscal 1971, the committee aded an unallocated $100 million for a total of $2,148,000,000.

Those are the areas of broad agreement, Mr. President. The areas of disagreement relate to three, perhaps four, major subjects.

The first is as to the question of the earmarking. An effort has been made to earmark, by titles, and, in some cases, by programs, the $2.048 billion authorized for 1970, and the same amount of $2.048 billion—leaving $100 million unallocated—for fiscal year 1971. The administration objects to the earmarking, Mr. President, notwithstanding—and I say this in all fairness—that not all of the funds for community action under title II are specifically earmarked. However, the administration objects to the earmarking on the ground that it wants the greatest possible freedom of action, especially in the second year, because by them it expects the innovative and developmental aspects of the new character of OEO to come out, and it wants the agency to have the opportunity to express it in terms of its requests for appropriations.

Mr. President, in sustaining my position as representing the administration on its bill on the Senate floor, I shall move to strike the earmarking for the second year.

The second item of importance, Mr. President, are the so-called add-ons in what are, generally speaking, the same categories for which there was earmarking of specific programs covered by title II. The majority of the committee, against the votes of the minority, has added on for programs which they consider to be of special interest, $292,100,000 for fiscal 1970, and $584,200,000 for fiscal 1971. Mr. President, the minority will move to strike some of those add-on provisions. I do not know that I shall be able to join the minority in respect to the second year, but in any case, the minority will move to strike the add-on provisions for the first year.

The third item, Mr. President, which immediately stems from the earmarking and the add-ons, is the so-called flexibility section. That will be found in section 4 at pages 5 and 6 of the bill; section 4 of the bill was included because—as a result of the earmarking and the add-ons—the minority sought higher figures for flexibility, both as to what could be taken out of one program, and as to what could be added as a maximum to another. I think the case for greater flexibility under this section 4 is very strong, Mr. President, in view of the innovating character of the OEO which has now been accepted.

Finally, Mr. President, there may be some differences of view between the majority and at least one Member of the minority, perhaps supported by many others, with respect to the legal services aspect of the poverty program.

I know of no other differences, and it seems to me, in sum, that the areas of agreement far exceed the areas of disagreement; but I do not wish in any way to derogate from the importance, also, of the areas in disagreement, upon which the Senate will have an opportunity to pass.

Finally, Mr. President, I think it is most creditable, and a really splendid demonstration of the development of thinking here in the Senate, that we have pounded into reasonable form the concept of the war on poverty; that we have found ourselves in accord with the administration in the major concept of the innovative nature of this agency, and in agreement upon the fact that, as programs matured and were ready, they should be transferred to line agencies and departments.

On the broad concept of the order of magnitude, and the amounts of money which should be involved, I know all of us feel that much more should be involved, and we look to Appropriations to deal with hunger and food programs and many other programs to supplement this effort.

But, considering the character of our budget situation and our views as to priorities, we apparently have achieved a general meeting of the minds on the order of magnitude, in any event, which should go into the particular programs under the Economic Opportunity Act in a direct way.

Mr. President, I close as I began, by emphasizing the positive, the broad areas in which we agree as to the nature of the agency, the funding of the agency, and the length of time for which the agency should be extended. I also would like to add to the very creditable and satisfactory areas of agreement the role of the community action agency, which we agree is critically important. We wish to see those agencies continued to innovate and involve the poor in a way which I think is unique and very creditable to our country.

As to the areas of difference, I am sure the Senate will speedily deal with them, and I am confident that the end result will be a bill of which the Senate can really be proud in respect to the war on poverty, which was so auspiciously inaugurated and was so long overdue in the United States.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I would like to say that, as chairman of the subcommittee, it has been my pleasure in working with the distinguished senior member of the Poverty Subcommittee and the Labor Committee, to find that it has been possible to weld together this very constructive measure because of the genuine dedicated cooperation of the senior Senator from New York, and because of his genuine capacity to make sensible compromises in the interest of the accomplishment of the end we all seek.

I think it is correct to say that though there remain some differences about the bill, I do not think any of them involve any major, fundamental principle, in that, by and large, they are simply details over which each of the members may have minor differences. But I want to take this opportunity to thank the senior Senator from New York. It would not have been possible to put this bill together and get it before the Senate without his very important cooperation.

Mr. JAVITS. I certainly thank my colleague, and I agree with him that our differences are not to the basic fundamentals of the bill. We are greatly in agreement, and I credit him very heavily for his tact, diplomacy, and skill in bringing that about.

Mr. President, I ask unanimous consent that the entire letter from the President of the United States addressed to me be printed in the RECORD, and I note that a counterpart of the same letter, dated September 16, 1969, was sent to Senator GAYLORD NELSON.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
September 16, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.

As stated in my February 19 message, I intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.

The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.

It is my determination to strengthen the Office of Economic Opportunity and its com-

munity action arm in contributing to the goal of providing full economic opportunity for every American.

Sincerely,

RICHARD NIXON.

AMENDMENT NO. 241

Mr. JAVITS. I send to the desk an amendment for printing under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. I ask unanimous consent that the supplemental views of certain Senators and the individual views of the Senator from California (Mr. MURPHY) on the bill as reported to the Senate be printed in the RECORD as a part of my remarks.

There being no objection, the supplemental and individual views from the committee report (No. 91–453) were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, PROUTY, DOMINICK, MURPHY, SCHWEIKER, SAXBE, AND SMITH

The bill reported by the committee would extend the authority for appropriations under the Economic Opportunity Act for 2 years beyond June 30, 1969, as recommended by the President. A bill to implement the President's recommendation was introduced by Senator Javits on June 12, 1969.

In his statement of June 2, 1969, the President reaffirmed the administration's commitment to the continuation of the Office of Economic Opportunity and stated his determination to make the Nation's antipoverty efforts function more efficiently and serve the poor more effectively. He stressed that a 2-year extension would provide a "better framework within which the necessary improvements in the antipoverty program can be made."

The initiatives taken by Director of OEO Donald Rumsfeld and others responsible for the programs authorized under the Economic Opportunity Act signal an expansion and improvement, rather than a dilution, of the efforts of the Federal Government to combat poverty.

The administration has properly viewed the Office of Economic Opportunity as an innovative agency, willing to experiment with and serve as a proving ground for new programs to benefit the poor. While OEO is the only Federal agency whose special concern is the poor, other Federal departments and agencies have given increased attention to the problems of poverty.

The recent breakthroughs by the administration in proposing major welfare reforms and in efforts to combat hunger and malnutrition are testimony to that fact. Moreover, programs delegated from OEO by this and previous administrations have found a secure and sympathetic home in other departments of the Federal Government.

The administration has taken care to insure that OEO will have a continuing role in the emerging governmentwide strategy against poverty: the Director will retain an overview of delegated programs; community action agencies will continue to be involved in programs at the local level; the placement of OEO regional offices has been undertaken with a view toward coordination with similar offices of other agencies involved in programs for the poor; and OEO will have the authority and capacity to conduct governmentwide evaluation of programs affecting the poor.

The establishment of the Urban Affairs Council and the designation of Director Rumsfeld as special assistant to the President with Cabinet rank are further indications that the poor will have an increasing voice in national councils. In light of these developments, it is appropriate that the agency focus its resources on innovation so that new programs can be developed and, upon maturity, be given an established place in the total Federal antipoverty effort.

While the Office of Economic Opportunity should be free to innovate, we share the commitment of the administration to a continuing operational role for community action agencies and endorse efforts now underway to make those agencies more efficient and responsive to the needs of the poor. The administration has made it clear that community action agencies will continue to be involved in the operation of existing programs such as Headstart and in providing outreach and education, as a part of a new, coordinated attack on hunger and malnutrition. The monitoring and evaluation of community action agencies now being conducted is long overdue. In order to assume an expanded role in the total antipoverty effort, community action agencies must be strengthened; as the President has emphasized, it is the poor who are hurt most when poverty funds are stolen or programs are inefficiently administered.

We support the administration's current efforts and proposed plans to give the States a greater role in antipoverty programs. For too long they have been denied the meaningful participation authorized under the Economic Opportunity Act, with the result that the Federal Government has lost important allies in the fight against poverty. As Director Rumsfeld has noted, existing legislation provides in numerous instances for an active State role. We are encouraged by the Director's plans to give life to those provisions by appropriate regulations. We note favorably his creation of a new division of State and local governmental relations in the Office of Economic Opportunity and the budget increase requested by the administration for the funding of State economic opportunity offices. We believe that the Economic Opportunity Act includes adequate provision against arbitrary actions in the course of State administration.

We commend the Director for conducting a reorganization of the agency in order to improve efficiency, clarify missions, improve management controls and permit the flow of work from the research stage through the development and program stages. We are pleased that programs for rural areas and for older persons will be brought into the mainstream of program development. We note also that the Director of Legal Services will be directly responsible to the Director of OEO and that the agency is making efforts to give further definition to the mission of the legal services program. In that connection, we question the necessity of section 9 of the committee bill preventing the delegation of that program to any existing agency, in light of Director Rumsfeld's testimony before the Subcommittee on Employment, Manpower, and Poverty to the effect that no such delegation is contemplated.

While the actions taken thus far by the administration suggest that much can be done to improve the poverty program without special amendment to the Economic Opportunity Act, we have taken the initiative in proposing and supporting amendments where we felt that they were required to authorize new programs or to improve further the administration of existing programs. An amendment introduced by Senator Dominick to establish a special emphasis program for the discovery and treatment of drug abuse and addiction is included as a part of section 8 of the committee bill. Senator Prouty's amendment to authorize the Comptroller General to audit and examine books, documents, papers, and records pertinent to financial assistance received by any agency under title II of the act is included as section 11 of the bill. We have given our support in committee to amendments introduced by other members authorizing advance funding, establishing a new special emphasis program on alcoholic counseling and recovery, providing civil service credit for VISTA volunteers, providing that children who are not members of low-income families may be permitted to receive services in Headstart projects, clarifying existing Law, and insuring that closed Job Corps centers are used for special youth programs.

We are deeply concerned with several aspects of section 3 of the committee bill. The section provides for authorization of appropriations as follows: Under subsection (a) there would be authorized $2,048 million for the fiscal year ending June 30, 1970, and $2,148 million for the fiscal year ending June 30, 1971. Under subsection (b), $2,048 million of the sums authorized under subsection (a) would be earmarked for certain programs and activities for each year. Under subsection (c) (as an addition to the amounts authorized for all programs under subsection (a)) amounts would be authorized for each of eight specific EOA programs of special interest to committee members.* These add-ons would total $292.1 million for fiscal year 1970, and $584.2 million for fiscal year 1971.

We support the ceiling of $2,048 million for fiscal year 1970, the amount requested by the administration for that fiscal year. It represents an increase of approximately $100 million over the estimated expenditures for fiscal year 1969. We also support the authorization of $2,148 million for fiscal year 1971, representing a further increase of $100 million over the previous year.

We submit that the earmarking provisions of section 3(b) are inconsistent with the concept of the Office of Economic Opportunity as the principal innovative agency in an emerging governmentwide antipoverty effort. OEO must be free to develop new programs and to determine for each fiscal year which existing programs should be emphasized to accomplish the purposes of the act.

The necessity for flexibility has been recognized to a limited extent, by a majority of the members of the committee in section 4 of the bill. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 pecent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

However, when combined with earmarking, the transfer provisions will still not operate to permit meaningful changes in programing, especially in the case of fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order (*a*) to provide funds for a new program, (*b*) substantially increase funds for a particularly successful existing program, (*c*) to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies

* Special Impact, Project Headstart, Legal Services, Comprehensive Health Services, Emergency Food and Medical, Senior Opportunities, programs for migrant and seasonal farmworkers and Day Care.

from additional funding sources, or (*d*) because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

We submit that the administration must be permitted to make programing decisions in the light of previous experience and the total Federal anti-poverty strategy, not on the basis of the previous year's budget request.

As noted above, section 3(a), which we support, would authorize a total of $2.048 billion for fiscal year 1970. We do not consider advisable the authorization of additional amounts for specific programs for fiscal year 1970 under section 3(c) since as a practical matter we doubt that the administration would be able to make effective use of such amounts by the time they would actually become available later in this fiscal year. In this connection, we point out that the administration's budget submission (covered by the authorization contained in section 3(a) of the committee bill) already requests $89 million more for these specific programs for fiscal year 1970 than provided in fiscal year 1969.

We recognize that the administration may require additional authorizations for fiscal year 1971 (beyond the $2.148 billion authorized under section 3(a)) in order to take further initiatives during that year in the specific program areas covered by section 3(c). Accordingly, while we have differed with other committee members as to the amounts of some of those increases, we have generally given our support to that section as it applies to fiscal year 1971.

We share the commitment of the administration to a renewed, revised, and expanded attack on poverty in the framework of a 2-year extension of the authority under the act. Subject to the exceptions we have noted, we consider the committee bill as a general expression of bipartisan support for the President's recommendation for such an extension and of confidence in the administration's ability to make the new tenure a meaningful one.

JACOB K. JAVITS.
WINSTON L. PROUTY.
PETER H. DOMINICK.
GEORGE MURPHY.
RICHARD S. SCHWEIKER.
WILLIAM B. SAXBE.
RALPH T. SMITH.

INDIVIDUAL VIEWS OF MR. MURPHY

I am deeply concerned over the direction in which the legal services program has been allowed to move. In many States, including California, legal services organizations have diverted their major thrust from legal aid and assistance to the needy and turned that thrust toward political activism through the filing of law suits against governmental agencies and departments. I believe the issues presented in these law suits can and should be raised through legally constituted political channels.

I am considering introducing an amendment to the bill that directs the poogram toward legal assistance and away from law reform.

Mr. JAVITS. Mr. President, I yield the floor.

OEO IS WORKING

Mr. YARBOROUGH. Mr. President, very shortly we will be considering the authorization bill for the Office of Economic Opportunity for 1970. As we all know, the OEO program is vital to millions of underprivileged Americans throughout the Nation. Unfortunately, all too often the critics of OEO obtain more attention than do the many successes of this very important program. This is why I was pleased to receive a letter from Mrs. R. E. Conner, president of the Galveston, Tex. chapter of the League of Women Voters supporting the OEO programs.

Because of the great respect I have for the views of the League of Women Voters, I ask unanimous consent that the letter to which I have referred to dated October 2, 1969, be printed in its entirety at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS,
Galveston, Tex., October 2, 1969.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We want to urge your support for the continuation of programs authorized under the Economic Opportunity Act of 1964 (S. 1809). We also strongly urge that you vote to renew these programs for two years.

As you know, the League does support the G.E.O. and we do not consider its activities in the past as failures. The Agency has had a relatively short time to work on ways to improve opportunities for people. Much more time is expected to be used up in working with medical research problems. It has been and should continue to be an experimental agency and this aspect of its work is one of its greatest assets. It is necessary to find out what will *not* work as well as programs that succeed.

Here in Galveston, our C.A.C. is just off and running after a series of false starts, and with one-quarter of our population in the under $3000 per year bracket, we really need the C.A.C.

Sincerely,

Mrs. R. E. CONNER,
President.

TAX CONVENTION WITH THE NETHERLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 91st Congress, first session, the tax convention with the Netherlands, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances, signed at Washington on July 15, 1969, and the related protocol signed on the same date.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and protocol.

The purposes of this convention are the same as those of the twelve other estate tax conventions now in force between the United States and other countries, namely, to minimize the burdens of double taxation at death and to prevent fiscal evasion with respect to taxes on estates and inheritances. In accomplishing these purposes, the convention departs from the pattern of our existing estate tax conventions in order (a) to take into account problems which employees of international businesses assigned to foreign countries have encountered under previous conventions, (b) to follow the direction indicated by the Foreign Investors Tax Act of 1966 in assisting our balance of payments by minimizing deterrents to foreign investment in the United States, and (c) to conform to the extent practicable with the provisions of the Draft Double Taxation Convention on Estates and Inheritances published in 1966 by the Organization for Economic Cooperation and Development.

The convention contains four principal innovations:

1. The seven year domiciliary rule, whereby a decedent who is considered by each country as having been domiciled therein at death will generally be deemed to have been domiciled only in the country of which he was a citizen if he had been resident in the other country for less than seven years without the intent to remain there indefinitely.

2. As a corollary of the seven year domiciliary rule, the convention provides that if a citizen of one country was resident in the other country seven or more years, the country of citizenship grants a credit for the death taxes of the other country. In these cases, jurisdiction to tax real property and business assets will be retained by the country in which such property is situated, with the other country providing appropriate credits.

3. The convention exempts tangible and intangible personal property (to the extent such property is not a business asset of a permanent establishment) from taxation by either country if the decedent is neither a domiciliary nor a citizen of such country. This exemption complements on a bilateral basis the liberalized treatment afforded foreign investors in the United States by the Foreign Investors Tax Act of 1966, aids our balance of payments by removing deterrents to investments in the United States, and reduces estate tax formalities for Dutch investors in the United States.

4. Under the convention, the Netherlands provides treatment analogous to the relatively liberal United States exemptions which the Federal estate tax law grants to estates of foreigners, by granting Americans who are not residents of the Netherlands (and who are taxable only on real estates and business assets situated in the Netherlands) an exemption for small estates and an exemption which corresponds to our marital deduction.

The related protocol, containing ten numbered paragraphs, sets forth understandings concerning certain matters of interpretation and application of the convention.

The convention and protocol have the approval of the Department of State and

Oct 14, 1969

11. FISCAL YEAR. Rep. Michel urged Congress to adopt legislation that would make the fiscal year coincide with the calendar year, and he inserted an article dealing with the cumbersome appropriations process. p. H9503

12. YOUTH CORPS. Received from GAO a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps in selected rural areas of Minnesota. p. H9574

SENATE

13. AIR POLLUTION. Conferees were appointed on S. 2276, to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act. House conferees have not been appointed. p. S12572

14. ST. LAWRENCE SEAWAY. By unanimous consent the report on the St. Lawrence Seaway Development Corporation for the year ending 1968, which was referred to the Public Works Committee was rereferred to the Commerce Committee. p. S12572

15. SCIENCE. Conferees were appointed on S. 1857, to authorize appropriations for activities of the National Science Foundation. House conferees have not been appointed. pp. S12590-1

16. POVERTY. Passed, 72-3, with amendments S. 3016, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs. pp. S12555-62, S12564-72, S12572-83, S12583-90, S12591-606

Agreed to, 84-0, Sen. Williams', Del., amendment to add language with respect to withholding certain Federal taxes by antipoverty agencies. p. S12574

Agreed to, 47-38, Sen. Dominick's amendment to eliminate additional authorizations for fiscal year 1970 of $292.1 million for specified programs. p. S12586

Agreed to Sen. Prouty's amendment providing that instead of limiting to 10 percent the transferability of funds from one program to another, there may be 15 percent transferred during fiscal year 1970, and 20 percent during fiscal year 1971. p. S12591

Rejected, 36-50, Sen. Javits' amendment providing that the earmarking of basic amounts for specified programs out of authorized appropriations shall apply only to fiscal year 1970 rather than to both the fiscal years 1970 and 1971. p. S12568

17. SCHOOL LUNCH. Sen. Javits commended the school lunch program as a "crucial factor in bringing nutritious meals to needy children" and inserted the text of the President's National School Lunch Week proclamation. pp. S12472-3

18. FARM LABOR. Sen. Mondale deplored the conditions of migrant farm workers as described in articles he inserted. pp. S12487-9

19. ENVIRONMENT. Sen. Tydings inserted an article describing the pollution problems in Chesapeake Bay, "Awareness of Bay Problems Grows" (pp. S12504-5) and an article, "Environmental Quality: Pollution and Population" (pp. S12526-7).

20. PESTICIDES. Sen. Nelson inserted an article, "DDT Goes to Trial in Madison." pp. S12515-9

21. SOCIAL SECURITY. Sen. Williams, N. J. , spoke in support of Rep. Gilbert's bill to increase social security benefits. pp. S12520-1

22. TAXATION. Sen. Kennedy inserted a summary of the testimony by former Assistant Secretary of the Treasury Surrey on tax reform. pp. S12541-50

EXTENSIONS OF REMARKS

23. TAX REFORM. Rep. Hartke inserted testimony of two witnesses on tax reform. pp. E8440-49

24. AIR POLLUTION. Rep. Carter inserted a proposal for air pollution control developed by the University of Louisville Institute of Industrial Research. pp. E8449-50

25 HOUSING. Rep. Blanton said that the shortage of available mortgage funds and other forms of long term credit has brought the housing industry to the critical situation and inserted an article "Romney Fears 50 Percent Housing Cut." p. E8452

26. HEALTH. Sen. Javits commended and inserted an analysis of the economics involved in rendering quality health care. pp. E8450-2

BILLS INTRODUCED

27. TAX SHARING. H. R. 14327 by Rep. Betts, to restore balance in the Federal form of government in the U. S.; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the U. S.; to the Ways and Means Committee.

28. PLANT VARIETIES. H. R. 14332 by Rep. Frey, to encourage the development of novel varieties of sexually reproduced plants and making them available to the public, by making protection available to those who breed, develop or discover them, thereby promoting progress in the useful art of agriculture; to the Agriculture Committee.

In incomes—Today, some 20 percent of Negro families in the largest metropolitan areas have income of $10,000 a year and over, double the number in 1960.

One of the most important changes involves the migration patterns of blacks.

Since World War I, blacks moved in ever greater numbers out of the old rural South and headed North. That pattern continued to accelerate through the 1950s and into the 1960s. Today, it has almost stopped.

Negroes are remaining in the South, partly because of better conditions there, but also out of a harsh recognition that life in the North may even be worse for them. The urban riots undoubtedly were a factor altering this pattern of movement.

From 1960 until 1966, for example, the cities were growing by about a quarter of a million persons a year. White population in central cities declined by about 141,000 a year. The black population in the cities was increasing by about 370,000 a year.

Then, about 1967, there came what the Census Bureau describes as "a distinct change."

City population dropped by nearly 400,000 a year. The movement of whites out of the central cities "rose sharply" to nearly 500,000 a year. Black migration into those cities dropped to 110,000 a year.

In other words, whites are leaving the cities in far greater numbers than before and blacks are replacing them at a slower rate than at any time in the past 20 years. That last development leads government analysts to conclude that the black concentrations in the cities may not increase much in the future. Coupled with this is the prospect of another kind of move by blacks: from the cities to the largely white suburbs.

As Conrad Taeuber, associate director of the Census Bureau, sees the trend:

"With the growth of a black middle class of major proportions, we may find that more blacks, as well as whites, will shun the cities until they provide more of the kind of life people want."

But that cuts both ways. It means the rest of the black population—the poor, uneducated, ill-equipped, ill-served black population—is left to itself in the decaying central cities. They are increasingly separated not only from white society, but from blacks. They are the festering sores in this rich land.

During research for this series, a recurring theme was sounded: that the racial problem in this country is a problem also of culture and economics. The greatest potential for violence comes when blacks and whites compete at the working level—and clash. That is happening today.

Although racial stereotypes have been altered in this decade, many white people still think of Negroes as an angry, hostile minority who, from time to time, set the torch to their own neighborhoods and throw America into a convulsion of fear. The whites haven't yet begun to notice those other blacks—the blacks now on their television commercials and dramas, the blacks in their offices, restaurants, theaters, airports, neighborhoods—who have been assimilated into the predominant middle-class white culture. Today those blacks, not the slum dwellers, are the real invisible Americans.

Yet they are proof that integration, or assimilation, can work. They are also the source of optimism in this story.

Joseph L. Rauh Jr. of Washington, vice chairman of Americans for Democratic Action and a veteran fighter for civil rights causes, struck neither an optimistic nor a pessimistic note when he said:

"I'm too old to change. I'm absolutely adamant when it comes to integration. I'm against separatist blacks and whites. I still believe in integration, but I wish I knew the answer on how to achieve it in a practical way.

"What has happened in America, what we have accomplished in the civil rights fight, is that we have made a system of legal racial equality. But we haven't made a system of practical racial equality. That hasn't been possible because of the economic situation."

Others, looking to the future, point to other developments. In Los Angeles, John A. McCone, the man charged with assessing the reasons for the riot in Watts and a former CIA director, takes another view. The riots, he thinks, have produced some beneficial results. "What has evolved out of the riots is a public awareness of the problem," he said.

Then he added:

"Examine what has taken place in the last 20 years; a period of intense technological development, a revolution in communications which has changed the scope of knowledge. I think this has a lot to do with the changes we are seeing. This period is the first time in history when man has the power to destroy civilization."

He might have said that America today contains the potential for self-destruction from within, or for creating a more equitable society.

Of that eventual outcome, you can hear voices of gloom and voices of optimism in traveling the country these days. A reporter prefers to recall one incident.

It was in Pittsburgh, in a private, closed-door meeting between a cross-section of the black community and the new public safety director, who is white. The exchange was frank—even blunt. The blacks laid out their grievances. They were explicit about problems in their community; they spoke of police—community tensions, of allegations of bribes and payoffs. One thing they needed to reduce the tensions was a new police-community relations division operating directly under the safety director. Were they going to get that? they asked.

"I don't know," the policeman said. "You know, we're pretty new at this."

For a moment, there was silence. Then a black spoke up.

"So were the Mets," he said.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advanced funding of such programs, and for other purposes.

The Senate proceeded to consider the bill.

THE POVERTY BILL—OUR UNFULFILLED OBLIGATION

Mr. YARBOROUGH. Mr. President, we are frequently reminded that this Nation's technological superiority, military might, and economic abundance is unparalleled in the history of civilization. I think it is significant, however, that our spectacular accomplishments have not blinded us to our failings and that our democratic political process forces us to consider matters overlooked in the rush toward greatness. Today we are required to face the unpleasant fact that there is still poverty in America. We do so because our political institutions remain sensitive to the demands of a concerned citizenry which is aware of the debilitating effects of poverty on the quality of life and the economic well-being of the Nation. I see this as a sign of strength and of political maturity. It suggests to me that democracy is still flourishing as we near our 200th anniversary as a Nation.

Therefore, I strongly support S. 3016, a bill which authorizes new initiatives in several areas heretofore neglected.

Senator NELSON, as the chairman of the Subcommittee on Employment, Manpower, and Poverty, labored long and hard to bring to the subcommittee a reasoned and balanced approach to the problem of where the poverty program should go now. He worked with great skill in bringing before the Senate a poverty bill that has the most widespread acceptance of any poverty bill that has ever come out of the Committee on Labor and Public Welfare. I believe that I speak for the committee when I express to the Senator our appreciation for his consideration and understanding of our individual views as the bill moved through the committee.

The dimensions of the poverty problem have become increasingly familiar to those of us who have been given special responsibilty for examining and acting on poverty matters as members of the Senate Labor and Public Welfare Committee.

THE PROBLEM

Twenty-five million Americans who live in a land of affluence must support a family on less than $75 a week.

Five million Americans are chronically hungry and 10 million suffer from chronic malnutrition.

Then there are the forgotten rural poor; up to 14 million people living in isolated little communities and settlements where they hover in despair and grow bitter toward that which is far away, urban, and hard to understand.

Finally, I should add that the statistics we now see show us that this is not a regional or a sectional problem; poverty knows no geography in this country. Nor is it a racial phenomena. The statistics show that two out of three people who live in poverty are white. In other words, this is a national problem and its solution will require a national commitment of energy and resources.

COMMITTEE ACTION

The Labor and Public Welfare Committee, which I have the honor to chair, has carefully reviewed this bill and, has adopted the recommendation of the Subcommittee on Employment, Manpower, and Poverty which is headed by my distinguished colleague Senator NELSON. While we have sought to be responsive to the administration's request, we have had to recognize certain realities about poverty in America. The ongoing successful programs must be expanded while initiative is given for new ideas

which will strengthen the program where it is weak, expand it where there are gaps, and assure the integrity of those programs whose continuity is vital to successful execution of a meaningful war on poverty.

The bill meets the administration's request for a 2-year authorization of OEO funds and the new OEO Director's request that we provide the administrative flexibility he seeks in order to undertake some reforms and improvements in his agency. This includes a provision which will permit the OEO Director to cut the budget of any program by up to 15 percent and to reallocate the funds to other programs within the agency. This will allow him to forestall financial crises for critical programs by taking idle money from stalled efforts and putting it to work where it is needed and can do the most good.

The President's budget proposal for the OEO was examined carefully by the committee and after due consideration it was the judgment of the committee that some of the more effective programs required additional funds to be truly effective weapons against poverty. Authorization for eight separate programs were expanded. These include the following:

Headstart: The committee voted additions of $120 million for 1970 and $240 million for 1971 to the President's request of $338 million per year. This is important if the already small number of children served by this program is not to be cut back. The headstart experience to date has shown us that the assistance provided to the youngsters in the summer often would be more effective if it were extended over a full year. Additional funds are needed to permit conversion of summer headstart sessions into year-long programs. The additional funds allocated for this program will achieve that purpose. They will allow all enrolled children to take advantage of the program for the entire year.

Legal services program: The President requested $58 million each year for OEO legal services. After examining the program and hearing compelling testimony on its progress and its promise by such prestigious groups as the American Bar Association, the National Bar Association, and the National Legal Aid and Defenders Association the committee voted to authorize an additional $16 million for 1970 and $32 million more for 1971. By 1971 the program would have an authorized funding level of $90 million—the minimum recommended by the American Bar Association. I shall discuss this matter more fully later in my statement.

Comprehensive health services: The administration's request for an $80 million authorization has been supplemented by an additional $40 million for 1970 and another $80 million for 1971. This reflects the committee's realization that families with poor health are canceling out any gains made in the employment, manpower educational fields. These services need to be expanded into many more communities as a vital complement to the other antipoverty programs which are based on assumptions that minimal health conditions prevail among those who are being helped to help themselves.

Our failure to recognize and act upon our health needs is a national disgrace. As chairman of the Health Subcommittee, I have found that as a Nation we are not paying enough attention to our growing health problems. We fail to provide sufficient doctors and technicians, we cutback our research funds thoughtlessly, and we fail to recognize that in our land of abundance, our newborn infants have less chance of life than children born in 15 other countries in the world The comprehensive health services program is an attempt to bring medical services to the people who need them most. An investment in the health of these people is the most valuable investment we can make. For without health all the education and job training is doomed to failure.

Mr. President, this is a most important addition to the President's program, and I support it wholeheartedly.

Emergency food and medical service: The administration's request for $25 million in authorized expenditures would have the effect of holding back growth of this program in the face of disturbing new knowledge about the scope and severity of hunger in America. Some 20 million poor Americans who currently receive no family feeding assistance and the 5 million poor children who are denied school lunches would remain outside the program. The committee, cognizant of these facts, and sympathetic to the compelling need to abolish hunger and malnutrition in this land of abundance has recommended a substantial increase in the authorization. We are recommending an additional $75 million in 1970 and another $150 million in 1971.

Migrant worker programs: The administration has requested an authorization of $34 million for this program. The committee recommended increases after becoming aware of a number of disturbing facts. First, only one out of five migrant worker families is served by the program. Second, only about 4 percent of the programs' funds are being used to assist migrant farmworkers' families move out of the migrant stream and settle into nonfarm occupations. This is occurring in the face of reports that by 1980 nonfarm jobs must be found for some 40 percent of the farm labor force. In order to carry out its responsibilities to these hardworking people who harvest our crops and pick up their homes and move in diligent pursuit of work, the committee has recommended that the OEO be authorized an additional $7.5 million for 1970 and $15 million more for 1971.

Economic opportunities for senior citizens: The President requested authorization for $8.8 million for this program of assistance to low-income senior citizens. This would hold the program at its current level of operations and force the OEO to defer action on approximately 300 additional program requests. To assist the OEO in meeting some of the demand for services among the 5 to 8 million oldsters whose economic condition is precarious the committee has voted an expansion of the requested authorization—adding $1.6 million for 1970 and $3.2 million for 1971.

Day care centers: As we come to better understand the culture of poverty we uncover new problems to be met. One of these is nursery care for the children of working mothers whose income and family situation do not permit them to make satisfactory arrangements. Many low-income mothers are torn between the need and desire to work and a responsibility to their infants and young children. Some simply do not seek work. Others suffer the consequences of absenteeism, tardiness, and erratic or part-time employment. Children are left to the street, to the vacant lot, or to the neighbor or relative who is often a poor substitute for a mother. There are 4.5 million children under 6 years of age with working mothers, yet there are only 531,000 spaces in licensed day-care centers. In 1967, I sponsored a bill which would allow management and labor to bargain and establish such child-care centers without violating the National Labor Relations Act. This bill will become public law this year. As part of this effort, the committee at that time also established a day-care program within OEO, but so far, there has been a failure to implement the authorization. In this year's presentation the new administration also failed to request funding for programs to care for these children. After careful consideration and research, the committee has concluded that the importance of the matter commands action. We have taken the initiative of authorizing funds to initiate these day-care projects—$25 million for 1970 and $50 million for 1971.

Special impact projects: The administration has requested an authorization of $46 million for this program to provide funding for special social and economic development projects in particularly poor areas. This is well below the $75 million authorized back in 1966 when the program began and represents a step backward from a program whose success is ever more evident. If indeed, we are to emulate the successful experience of the Bedford Stuyvesant project and others in both rural and urban areas and if we are to back up the promise to give minorities a "piece of the action" in economic development then we must provide adequate funds to meaningfully move ahead with this job. The opportunities abound. Some 81 proposals totaling over $90 million are already pending before OEO with twice that many forthcoming. Not all of these may meet the standards that must be maintained, but it is clear from our examination of the program that the amount requested is insufficient to meet the needs of the program. Therefore, the committee has recommended an additional $7 million for 1970 and another $14 million for 1971.

Mr. President, the total of these increases amounts to $292 million for 1970 and $584 million for 1971. With their inclusion, the authorizations for 1970 would total $2.34 billion. For 1971, the total authorized would be $2.732 billion. Considering the size, scope, and complexity of the problem of poverty in this

Nation this is hardly a beginning. It is, however, another step forward in developing a battle plan for a meaningful war on poverty.

LEGAL SERVICES

Mr. President, I would like to make special mention of an amendment offered by Senator MONDALE—my distinguished colleague and fellow member on the Senate Labor and Public Welfare Committee. He has provided us with a significant proposal for strengthening the legal services division of OEO and protecting the integrity of the advocates it provides for the poor in their dealings with State and Federal authorities. This program has been lauded by distinguished attorneys and scholars, by major professional associations such as the American Bar Association and has won wide acceptance and trust among the poor people of this country. In a time when so many are demanding respect for the law, it is essential that we assure ourselves that the law is being applied equally to the protection and benefit of all Americans. This program, which provides legal assistance to those who cannot otherwise obtain counsel, is indispensible in building respect for and confidence in our legal institutions.

In order to protect the program from any possible conflicts of interest in cases involving suits against Federal agencies, Senator MONDALE has recommended with concurrence by the majority of the committee that the OEO Director should be expressly prohibited from delegating this program to the Department of Justice or any other Federal agency. His view was endorsed by the American Bar Association in its recent meeting in Dallas, Tex. Adoption of this amendment is essential to protecting the integrity of this important program.

I would again like to lend my voice in support of Senator MONDALE's views. If we are to have order in this country, Mr. President, we must have respect for law by all of the people. And if we are to sustain that respect for our legal institutions, we must make certain that they serve all Americans equally and fairly whether they be landlord or tenant, employee or employer, lender or borrower, welfare chief or welfare recipient. I urge, therefore, that the proposed expansion and strengthening of the legal services program be adopted.

ALCOHOLISM PROGRAM

Mr. President, another significant outcome of our study of the OEO program is recommendation that a new national program of alcoholism counseling and recovery be undertaken in conjunction with the war on poverty. Small authorizations of $10 million in 1970 and $15 million in 1971 are included to set this effort underway. Such an addition is necessary if the assistance provided through the other programs is to have any effect on those families suffering the ravaging effects of alcoholism. It is clear that a worker, a housewife, a family cannot fully benefit from services provided by OEO or community agencies if each step forward is to be canceled out by debilitating effects of alcoholism or problem drinking. My distinguished colleague from Iowa, Senator HAROLD HUGHES, chairs a special Subcommittee on Alcoholism and Narcotics, which as committee chairman, I created this year. He is an internationally recognized expert in this field. It is through his diligent work on the relationship between alcoholism and poverty that we have come forward with language that authorizes the Office of Economic Opportunity to forthrightly direct its attention to the problem of alcoholism and recovery. I would like to take this opportunity to thank Senator HUGHES initiative in directing the attention of the Senate and the administration to this problem.

NARCOTICS PROGRAM

My distinguished colleague, Senator DOMINICK, who serves as the ranking minority member with Senator HUGHES on the Alcoholism and Narcotics Subcommittee, has provided a companion program to the one on alcoholism—directed toward rehabilitating drug users.

It is becoming increasingly clear to those of us who are continually concerned with the causes of poverty that drug addiction provides emotional, physical, and financial drains on many people who have no way to take advantage of any economic opportunity provided them as long as they are afflicted by the drug habit. Although the administration proposal did not take note of these problems or make recommendations on how to deal with them, the committee hearings and research have clearly indicated that Senator DOMINICK's proposed program to create a new special emphasis program to help rehabilitate drug addicts is a vital complement to a realistic economic opportunity program. I, therefore, repeat my strong endorsement of this amendment.

AMENDMENT NO. 241

Mr. JAVITS. Mr. President, I call up my amendment No. 241 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, lines 15 and 16, strike out "and for the next fiscal year".

On page 2, line 18, strike out "each".

On page 4, line 1, strike out "any such fiscal year" and insert in lieu thereof "the fiscal year ending June 30, 1970".

Mr. JAVITS. Mr. President, for the information of the Senate, I shall not debate my amendment until we have had a quorum call.

The PRESIDING OFFICER. Does the Senator from New York ask unanimous consent that the amendments be considered en bloc?

Mr. JAVITS. I do.

Mr. NELSON. Mr. President——

Mr. JAVITS. Mr. President, I withhold the request.

Mr. NELSON. Will the Senator explain the amendment briefly?

Mr. JAVITS. It is simply that the words come in different places; it seeks solely to eliminate earmarking.

Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. JAVITS. Mr. President, for the information of the Senate, I would hope the Senator from Wisconsin (Mr. NELSON) would give me his close attention so that we can chart a course so that Senators will have some idea of what we are about.

I shall bring the amendment to a vote. I expect a rollcall vote on the amendment around noon, if Members of the Senate are willing to cooperate in that respect.

Mr. NELSON. Would the Senator like a unanimous-consent agreement?

Mr. JAVITS. No, I would rather not.

Mr. President, second, I am hopeful that other members of the minority, and I know some of them have amendments, will propose their amendments immediately after this rollcall, and I hope that Members will lend their help to the problems of so many of us so that we may conceivably have action on the bill by tonight. Whether that will happen no one knows, but at least that is the aspiration of the Senator from Wisconsin and me, and we humbly invoke the cooperation of the Senate.

Mr. President, if attaches will advise Members that the pending amendment relates to striking from the bill the provision which earmarks amounts of the authorized appropriation for the fiscal year ending June 30, 1971, Members who are interested might come over to hear the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, I offer the following comments in connection with S. 3016, a bill now before the Senate to extend the Economic Opportunity Act. As a member of the Committee on Labor and Public Welfare which voted favorably to report the bill I intend to support the bill on the floor of the Senate.

Before I make specific comments on the bill, however, I would like to note that I do not think the hurried manner in which the bill has been presented is in any way conducive to proper passage because it does not lead to adequate understanding of the need for this legislation. At a time when the Nation is making great strides in meeting the needs of the poor it is essential that we in the Congress give full attention to a discussion of all the issues so that every citizen can be fully informed. The causes of poverty are so many and so varied that we cannot hope to succeed unless all citizens of the country cooperate in this endeavor.

As was stated in the committee report and the supplemental views of the minority Members, there are many aspects of the bill which should be of great benefit to the Office of Economic Opportunity in its future operations.

Perhaps most important is the recognition that OEO must be extended for another 2 years. This will give continuity to existing programs and flexibility to the Director in evaluating and reorganizing the total OEO structure.

The needs for such evaluation and reorganization have been outlined by the President and the new Director to reflect a desire to learn from the past and to make the future more successful.

In the past 5 years we have learned much from OEO's successful programs as well as those that did not achieve the desired results. We have learned the value of certain program and even delegated some to other agencies where they can be implemented better. We have learned about the role that various State and local agencies can play in solving the problems of the poor. On the basis of this, the community action concept has been strengthened and the role of the States is now being improved. I heartily endorse this kind of evaluation and refocusing effort, and for these reasons, I think the 2-year extension will be most helpful.

With regard to the flexibility that will be given to the Director in this effort, however, I think the bill has several potential drawbacks. One of these is the specific earmarking of funds. Such earmarking is not based on proper evaluation of priorities or previous successes. Earmarking will only limit the flexibility of the Director in establishing his own priorities or in strengthening certain desired programs more than others. Another drawback is the limited flexibility given the Director in transferring funds from one program to another. I think we have improved the situation greatly by now allowing up to 15 percent of any program's funds to be diverted to another without placing a limit on the total to be added, but I think this should be increased to 20 percent. However, once having done so for the first year, and that we should increase the flexibility to at least 30 percent in the second year so that the Director, if the situation warrants it, can shift the emphasis even more. If the 15-percent transferability rate is kept the same for both years, it does not allow the Director to continue a change in focus once it has been started.

One other aspect of the bill that disturbs me is the level of funding that we have authorized. I fear it is in excess of that requested by the President and thus may limit his flexibility in determining priorities and balancing the budget. Specifically, in the first year the basic authorization is $2.048 billion as he requested, but the second year is for $2.148 billion, and this may not be warranted. More importantly, however, I think the addons proposed for specific programs each year are greatly unwarranted. They will add $292.1 million and $584.2 million for each year respectively and yet little basis can be found for adding or expanding each such program so disproportionately.

Although I have gone to some length in enumerating my hesitant feelings with regard to certain portions of the bill, I still feel it is worthy of support. I think the strengths enumerated here on the floor and in the committee report warrant its approval by the Senate. I further hope that the House will complement the work that we have done here.

The new direction of OEO that we all so heartily endorse deserves instant attention and commitment. I thank my colleagues on the committee for their interest and thank our chairman, the distinguished Senator from Wisconsin, who has worked most diligently and effectively to produce a bill worthy of bipartisan support. I hope my colleagues in the Senate will look favorably on these efforts and give solid approval to the bill.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. JAVITS. We have had an absolutely extraordinary degree of unity of opinion among the minority members of the Committee on Labor and Public Welfare, especially on very trying questions like the war on poverty and the OEO.

It is well known that we are not men of necessarily parallel views. My views are not necessarily those of other members of the minority. There are some exceptions to that. But I really credit my colleague from Vermont with exercising enlightened influence which has enabled me to point with such pride—and I do—to the degree of unity which we have been able to attain.

Time and again the able Senator from Vermont has subordinated what he has felt to be deeply held views to try to come, as far as he could, to meeting mine and that of other members of the committee.

It is characteristic that in his statement today he includes the administration's approach insofar as we were able to carry it through, even for some of the things the committee did itself; but the general outline of the bill is characteristic of the very, very constructive influence which has helped to hold the minority together and give it such a constructive position. It has made my work as ranking member, with the duties that carries, tenable and practicable. I am very grateful—speaking personally, and I mean it—I am very grateful to the Senator from Vermont.

Mr. PROUTY. Mr. President, may I say to my colleague from New York that I am, indeed, grateful for his most generous remarks. We may differ somewhat with respect to details but the overall objective is the same. I have supported this program throughout the years, and have made suggestions, some of which have been accepted and some rejected; but we have, nevertheless, made real progress.

Certainly, without the able assistance of the very distinguished Senator from New York, we would not now be well on the road to facing up to some of the serious problems we have in this field.

I pay my highest respect and tribute to the Senator from New York for his selfless help and encouragement.

Mr. JAVITS. I thank my colleague from Vermont.

Mr. NELSON. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. NELSON. I concur with what the Senator from New York has just said about the helpfulness and cooperativeness of the able Senator from Vermont, as well as the minority. I do not think that I have ever served on a committee—in the legislature of my State or here in Congress—which had to deal with issues that are as complicated, as volatile, and represent such diverse philosophical viewpoints. I have never seen better cooperation by the minority or whenever I was on the minority, by the majority, than the minority on the Subcommittee on Employment Manpower and Poverty.

It would not have been possible for this bill to be completed and now before the Senate if it had not been for the genuine spirit of cooperation and compromise that has been expressed and followed by members of the minority, including specifically the Senator from Vermont and the Senator from New York who are here today.

As chairman of the subcommittee, I want the Senator from Vermont and the Senator from New York to know that I appreciate very much their cooperativeness and their helpfulness in getting the bill before the Senate, even though I consider that there are Members on both sides who have specific and strong feelings and did not wish to compromise; but they were willing to do so, so that we could come out with a bill which I think, overall, represents a genuine bipartisan effort.

Mr. PROUTY. I am very grateful to the Senator from Wisconsin for his comments.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I should like to call to the attention of the able Senator from Wisconsin, the Senator in charge of the bill, an article published in today's Washington Post, written by Eve Edstrom, entitled "Rumsfeld Warning Miffs Poverty Unit."

I read some paragraphs from that article:

The Nixon administration asked the nation's community action leaders yesterday to avoid "tactics of confrontation" but was promptly denounced as the "enemy of the poor."

The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 antipoverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.

They debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agencies in the operation of manpower training programs.

The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

Quoting from Mr. Rumsfeld, I read as follows:

If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the

community, community action will soon be without the broad support it must have.

The article continues:

Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.

Taylor told Rumsfeld that "I consider your remarks to be an insult to us" . . .

Mr. President, I call this news story to the attention of the Senate and to the attention of the manager of the bill and other members of the committee, who are, of course, supporting this bill, for the purpose of asking whether or not there was concern on the part of the committee with respect to the tactics that have been used by some of the antipoverty workers throughout the country from time to time, tactics leading toward "confrontation," and, if so, what recommendations are being made by the committee, if any, that will serve to prevent use of the taxpayers' money by poverty employees, many of whom are misguided, to foment unrest and incite revolution and insurrection and stir up trouble.

I wonder if the able Senator would respond.

Mr. NELSON. Mr. President, let me say first that Mr. Rumsfeld is moving to eliminate those community action programs which have not been effective. He has authority to do it. If they are not performing the responsibility that he believes they have under the law, effectively, in getting a fair return for the taxpayer's dollar, he is eliminating them. I understand he is eliminating about 30 community action programs which he does not think are effective, or at least if they do not measure up in a very short period of time.

Second, as to that article, I would like to say to the Senator that I spoke there a couple of hours after Mr. Rumsfeld did. There were 1,100 delegates at that nationwide conference. They were behind schedule when I arrived, so I was there through the lunch hour and for about 1 hour and 15 minutes before I spoke. In the course of that period, I visited with a number of people there, including a couple of members of the board of directors, and a number of delegates, some from my State, some from California, and some from other States.

Though many of the people did not agree 100 percent with what Mr. Rumsfeld said, everyone I talked with said that he made a very fine presentation and handled himself well. I understand they had a question-and-answer period. Several of them said, using almost the same words, "He handled himself very well," though they did not agree with everything he said.

The Senator from West Virginia has been in politics for a long time. He knows that if you get 1,100 people in one place, even if 97 percent of them agree, 2 or 3 percent may get the floor and make it appear that there is great dissent.

Many of these people are concerned about the community action programs and about assurances that they will continue—which they have—and that at the local level they can develop sound, effective, locally managed programs.

I can assure the Senator that I was impressed with the fact that a number of people there said they thought, though they did not agree 100 percent, that Mr. Rumsfeld had presented his case and handled himself very well before that group.

I thought it was a very fine, representative group of people, during the 1 hour and 15 minutes I had a chance to be there before I spoke.

Mr. BYRD of West Virginia. I have no concern about those who may wish to express differing opinions about matters. The able Senator has referred to the fact that I have been in politics long enough to know that in an audience of this size there will be those who wish to express their own differing opinions. I know that to be the case. But I am concerned when the taxpayers' money is used by individuals who are employed in the antipoverty programs to stir up unrest and to foment disorder and to disrupt school board meetings, disrupt city council meetings, and so on. There has been a great deal of this all over the country. We have had some of this in my own State, where school board meetings have been disrupted and the board of education members have been forced to adjourn the meetings. City council meetings have been disrupted here in the Nation's Capital.

In so many of these cases, those who have disrupted meetings by duly constituted bodies have been individuals employed in the antipoverty programs.

I have had considerable correspondence from people in West Virginia who have expressed great concern at the misdirection of some of the antipoverty programs in that State.

I voted for the basic legislation which established the programs. I have voted for most of the appropriations to fund most of those programs. On the other hand, I have supported reductions in appropriations for certain programs. I have been quite critical of some of the programs, particularly the VISTA program as it has operated in my State. I do not know how it is operated in other States, but my State has had some unfortunate experiences with some of the VISTA workers.

I do not condemn all the VISTA workers; I do not say they are evil. Undoubtedly, many of them are well intentioned. But often they come into West Virginia knowing nothing about the State and nothing about West Virginians. They know nothing about being poor. By their conduct and their appearance and their activities they have done injury to the antipoverty program. They have performed a disservice to the poor, and they have created a bad image of a program which is funded by the Federal Government.

In some instances, some of the community action programs have operated in the same way. There have been instances in which some of the community action programs have worked to the detriment, in my judgment, of small business enterprises in my own State. There have been charges that Federal moneys have been used to foster competition with some of the small business establishments in West Virginia. The owners of the small businesses are taxpayers; they help to pay for these programs, programs which, in their judgment, are being used to destroy them.

Situations have occurred in the District of Columbia in which so-called poverty workers have contributed to demonstrations. For example, they have been involved in demonstrations against the Welfare Department and against the Police Department.

I just cannot help being concerned when I see one agency of the Federal Government making war on other agencies of the Federal Government.

Yesterday, the Washington Post published an article which indicated that 5 percent of the population of Washington is now on welfare. The Director of the District of Columbia Welfare Department expressed concern about spiraling caseloads, and concern about where the money was going to come from to finance the growing welfare caseloads in the District of Columbia. It was also indicated in the story that some of the neighborhood legal services, that are being funded by poverty moneys, are contributing to the upsurge in the welfare caseload, and there were indications, and have been indications all along, that some of these individuals who are paid through the antipoverty programs make it their business to attack the Welfare Department regulations, in an attempt to get such regulations relaxed or eliminated, and thus get more people on the welfare caseload.

Mr. President, I am not against welfare. I am not against helping people who need help. I am not against helping people who are in poverty. I want to see poverty eliminated, as much as possible. I want to help people to help themselves. But I do not think government should finance it's own destruction. I do not think any Federal agency should attack the regulations governing eligibility for welfare in an effort to increase welfare spending.

I think the basic ideas behind the war on poverty were good, but in actual experience they have not worked out too well in all too many instances.

I had a personal experience with some of these VISTA workers who came to Washington from West Virginia in the summer of last year at the time when Resurrection City was here. I suppose there were a hundred or more persons who came here from West Virginia, but they were encouraged to do so by some of the antipoverty workers.

They demonstrated on my lawn over in Arlington. I do not think it is the intent of Congress to fund programs to encourage demonstrations against duly-elected public officials.

I had another experience in which three of these so-called VISTA workers came to my office, asking for an appointment, at a later date, with a group of the poor people from West Virginia. The conversation went something like this:

I said to the young lady who was in the trio, "What part of West Virginia are you from?"

She said, "Well, I am not from West Virginia."

I said, "How long have you been in West Virginia?"

She indicated that she had been there several months.

I asked, "What have you been doing in West Virginia?"

She said, "I am with VISTA."

I said, "How much pay do you get?"

She said, "Forty-five dollars a day, as a consultant."

I asked, "How much education have you had?"

She said, "I am a graduate of Dominican College," which she indicated was in Louisiana.

I asked, "What have you been doing in West Virginia in your work?"

She said, "Well, the last few weeks I have been helping to organize this visit to Washington by poor people."

So I asked the second one, "How much education have you had?"

He said, "Well, I have had 1 year at the University of Colorado."

I asked, "Why are you not in school? Why are you not taking some summer classes?"

He said, "Well, I am getting some credit for being attached to Resurrection City."

I asked the third, "What does your father do?"

He said, "He is a doctor."

I said, "Do you have brothers and sisters in college?"

He said, "Yes, I have one who is a graduate of the University of Arizona."

I asked, "Have you graduated from college?"

"I am a junior at the University of New York," I believe he said. I am not sure as to the name of the educational institution; this conversation took place more than a year ago.

I asked, "Why are you not in school this summer?"

He said, "Well, I will get 9 hours of credit for working with Resurrection City."

Then I said, "Not one of you knows anything about being poor. Not one of you. And here you are, up here leading the poor."

I asked, "Were you in that demonstration over on my lawn a few days ago in Arlington?"

The response was, "Yes, we were there."

"Well," I said, "you did not convince me of anything by conducting that demonstration. You went over there and tried to intimidate my wife. She told you you could see me in my office. My doors were open for you at the office. I was there, but you were not interested in coming to my office."

This is a thing, Mr. President, that I resent. I resent poverty moneys being misused in such activities, and I resent poverty moneys being misused by those who use the poor, oftentimes to advance their own ends, while no real help ever gets down to the poor people for whom the programs were designed.

So, Mr. President, I take the floor today just to say that, while I want to do everything possible to help people to help themselves, I would hope that the committee would be concerned—as I am sure it is—and I hope Congress will be concerned about moneys that fall into the hands of extremists, radicals, and troublemakers, who misuse the poor to stir up strife, foment rebellion and insurrection, and make war on other Government agencies.

I have this concern, Mr. President. I wanted to voice it at this point. At an appropriate time—not during the debate on this measure—I shall place in the RECORD the correspondence that has come to me from my constituents expressing their viewpoints, and explaining how some of the war on poverty activities have indeed not been for the benefit of the poor, but have accrued to the creation of suspicion antipathy for the poverty programs.

On the other hand, I have had considerable correspondence complimenting certain segments of the antipoverty programs. I have had correspondence complimenting the Headstart program and the Neighborhood Youth Corps program. So not all of the correspondence has been adversely critical; but, with particular reference to some—not all, but some—of the community action programs, and in large measure with reference to VISTA as it has operated in West Virginia, I have not had much in the way of correspondence from my constituents that would recommend the continuation of these programs.

I asked the manager of the bill yesterday whether or not the legislation would take away the prerogative of the Governor of a State to veto VISTA, and I was assured that the legislation does not do that. I have in the past urged the Governor of West Virginia—the former Governor, not the present Governor, though I may also have urged the present Governor, I do not exactly recall—to get VISTA out of West Virginia. I am glad that the legislation does not take away that prerogative of a Governor, because I think that is a proper responsibility of the chief executive of a State.

Mr. President, I trust that the committee will continue to look into these matters. I intend, as a member of the Appropriations Subcommittee which handles supplementals and deficiencies, to take a very close look at any requests for moneys from the Office of Economic Opportunity—not that I am out to cripple it or kill it, but I just want to see these programs used for the benefit of the poor, and I want to see the approach in the right direction. I do not want to see the taxpayer's money used to destroy the taxpayer himself and to undermine law and order in this great Republic of which we are all so proud.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin (Mr. NELSON) has spoken to this point. I would like to do so also.

It is not an easy matter to reconcile because when people are poor—and I am sure that the Senator from West Virginia, whose origins are as humble as mine, knows this as well as I do—they want to rebel and complain to someone about their position.

We had a very interesting point of view expressed by the American Bar Association. I would like the Senator from West Virginia to read it. It is printed in the committee report at page 20.

The representative of the American Bar Association, testifying before the committee, said:

> I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

He then goes on to say that the legal services are rendered under very serious pressure.

The Senator has been a Senator and a lawyer for too long to believe for 1 minute that we can run a placid society. It is a difficult situation for this reason.

Every case involving legal services, even if it involves what is called law reform—which is a kind of trade term applied to broad reform as contrasted to an individual case for goods sold and delivered—involves a case in controversy. It is a case. It may be a precedent making case. It may invalidate a law, but it is a case. It starts with A suing B, even if B happens to be the State.

I understand the Senator's point of view. He does not want to pay the money of the United States to disrupt the United States.

We must think about the matter. We thought about it very seriously. The Senator from California (Mr. MURPHY) is a very eloquent and effective advocate of this course.

If we try to put it "en hoc verba," we run into the difficulty of cutting too much or too little.

Everything is a case. We do not want to cut legal services where an injustice has been done by the Government. I suppose that the Senator has had occasion to run into that situation.

I think that, in the administration of the legal services program particularly, the thrust might be to discourage the utilization of the legal services program as an instrument of social reform.

That is really what the Senator has in mind. I think he is right about the fact that we have to look at it on an operational basis. We are doing that. And I think we are satisfied with the result.

The Senator from Wisconsin (Mr. NELSON) has expressed himself on the matter.

The administration understands the matter and has a very clear concept of the perimeter within which they can operate without restricting individual liberty.

One cannot guarantee 100 percent that there will not be confrontation. That would defeat the program. However, one can use his head in the administration of the program in a very effective way.

I thought I would like to add my assurances to those of the distinguished

Senator from Wisconsin and point out that we are sensitive to this matter, that we have looked into it and will continue to do so.

We consider it a proper area of legislative oversight to check to see what is going to be done with the Government's money in this very sensitive field. We thought about it. We tried to offer some restriction or phrase of statutory language. We run into the fundamental problem that it ceases to be the escape valve that the ABA feels very strongly that it is. Second, if it is a case in controversy, it might get into court. It is hard to draw a distinction except on a case-by-case basis. That substantially is what the Senator from Wisconsin had in mind. I am the ranking minority member of the committee, and I want to join in explaining this matter to the Senate.

Mr. BYRD of West Virginia. Mr. President, I appreciate very much the comments of the able Senator from New York. And I feel that they have been offered as assurance that the committee is concerned and that it has weighed these problems that it has had called to its attention before today—the matters which I have discussed.

I reiterate my concern, however. I do agree with the Senator that perhaps the ills can best be rectified in the administration of the program. And I have a feeling based on what the Senator has said that this has been discussed and that the administration of the program is going to travel in that direction. I hope it will.

I will make this comment about the quote which appears on page 20, to which the able Senator alludes. It is a quote from Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants.

I am not against the poor having access to legal services. I want the poor to have their day in court as much as anyone else. But, Mr. President, I just want to reiterate and emphasize what I said earlier, that this, too, is an area of concern. And if it is not rectified and corrected by those who administer the program, then I have a feeling that the people will demand some kind of correction by Congress, perhaps an elimination of such program. And we may go too far when we start eliminating programs.

As to the quote itself, Mr. Robb is speaking of the legal services offices and the fact that their effort has convinced the poor that in the legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably.

He then goes on to say:

> That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits . . .

Mr. President, I was chairman of the Appropriations Subcommittee on the District of Columbia for 8 years. I do not know of one instance, not one, in which I recall an "unlawful" recommendation being made by any "welfare caseworker" to discontinue benefits.

I followed the welfare situation in the District pretty closely. Perhaps the great increase in welfare caseloads in the past 6 months is to be attributed, in part at least, to the fact that I am no longer chairman of the subcommittee.

As I stated, I followed the welfare situation pretty closely. And not once do I recall an unlawful recommendation being made by any welfare caseworker to discontinue benefits.

I would like Mr. Robb, if he has evidence of the fact that welfare caseworkers have "unlawfully" recommended discontinuation of benefits, to present the evidence of the committee. Perhaps he did. I do not know.

I will not let that statement by Mr. Robb go unchallenged. And he is quoted in a further statement which I shall not allow to remain unchallenged. His statement is as follows:

> The poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

Mr. President, there are too many people making excuses for those who riot in the streets. There is no excuse under our republican form of constitutional government for anyone to riot in the streets.

I have seen more poor people when I was a lad growing up in the coal mining communities of southern West Virginia than this country has today. I have seen millions walking the streets with holes in their shoes and in the seats of their pants looking for work. I have seen people hungry, with no work, and in debt. My own foster father used to work from daylight to dark in the mines, 6 days a week, and be overdrafted on payday.

Mr. President, when we talk about poverty, I have seen grinding poverty, and a lot of people who are sitting in this Chamber today have seen it and experienced it, and a lot of people in the gallery have experienced it. They know what grinding poverty is. The poverty of today is nothing compared to the poverty of the early thirties.

Many of us lived at a time when there was no running water in the house. We had our outside toilets, no radios, no television sets, no automobiles, no food stamps, no social security programs, no unemployment compensation programs, no public assistance, no welfare. Yet, the poor did not riot. Yet, a man in the position of Mr. Robb, the chairman of the American Bar Association's Committee on Legal and Indigent Defendants, would have the gall to excuse riots in the streets by saying of the poor that "it is not too surprising, I think, when they riot in the streets."

Mr. President, I do not recall ever having seen a Hungarian or a Pole or a Greek or a German or a Jew or a Lebanese or an Italian on welfare. I do not say that there have not been some on welfare, but I do not know of it. The early immigrants were poor, and they were crowded into cities. They were discriminated against, but they did not riot in the streets.

So I hope we will get away from trying to substantiate every program and support every program on the basis that it might prevent riots in the streets. We have had many, many millions of poor people in my time, in the time of the Presiding Officer, and in the time of every Senator, but those people did not set the torch to city block after city block. They did not drag motorists from automobiles and beat them and set their cars afire. They did not turn in false fire alarms and then throw bottles and bricks at the firemen who answered the false calls. They did not stomp policemen to death in the streets. They did not rape and murder and burn and loot.

Mr. President, I am concerned when quotations like this appear in substantiation of this or any program. I intend to vote for the extension of this program because I think there is much good in it, even with the bad, and I also feel that Mr. RUMSFELD will try to correct and improve the administration of the programs and weed out the bad, but I simply wanted to voice this concern today so that the administration downtown will know that there are those of us who want to see the eradication of the waste and inefficiency and an end to the abuses that have surfaced in some of the programs. I want to see the good programs continue; but I simply am against the use of the taxpayers' money by hoodlums—I have seen this in Washington—who head up some of the antipoverty activities and who make it their business to foment unrest and rebellion.

Mr. President, I as unanimous consent to insert the two newspaper stories to which I have referred.

There being no objection, the stories were ordered to be printed in the RECORD, as follows:

RUMSFELD WARNING MIFFS POVERTY UNIT

(By Eve Edstrom)

The Nixon administration asked the nation's community action leaders yesterday to avoid "tactics of confrontation" but was promptly denounced as the "enemy of the poor."

The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 anti-poverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.

Conference planners came in for as much heat as Rumsfeld because the conference was located in affluent suburban Maryland instead of downtown Washington and because program speakers were "Nixon's come fetch boys" who "come here to give us no information."

Conferees were so dissatisfied that they forced the scrapping of the afternoon agenda, which had called for Commerce Department spokesmen to discuss minority businesses.

Instead, they debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agences in the operation of manpower training programs.

The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

"If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further

isolate the poor from other groups instead of bringing them into closer relations with the community, community action will soon be without the broad support it must have;" he said.

Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.

Taylor told Rumsfeld that "I consider your remarks to be an insult to us" because they did not center on key problems.

OEO, Taylor continued, "has not carried out its mandate for maximum feasible participation of the poor." The administration. Taylor said, "has sold OEO down the river," and has "sold out the poor."

Rumsfeld observed that national priorities "already are shifting" toward meeting more of the needs of the poor. And he insisted that the administration is strongly committed to community action and participation of the poor.

He emphasized that President Nixon has urged Congress to act promptly on the administration's bill to extend OEO's life for another two years without crippling amendments.

On Capitol Hill, the House Education and Labor Committee scheduled another mark-up session on the poverty bill today. The Senate began debate on the bill yesterday and is scheduled to vote on it today.

WELFARE AIDS 5 PERCENT OF D.C. RESIDENTS

(By Carol Honsa)

Washington's welfare rolls increased so dramatically during the past fiscal year that nearly 5 per cent of the city's population now receives some sort of public assistance.

By the end of July, 43,202 persons here were on relief. Welfare officials said there is no indication that the upward trend will level off, and fears were expressed that there might not be enough money to go around.

A jump of 33 per cent in the biggest and most controversial welfare program in the city—Aid to Families with Dependent Children—accounted for much of the overall increase.

"We're very concerned," said Winifred G. Thompson, city welfare director.

"We don't know where the money is going to come from, quite frankly," she said.

The latest statistics illustrate the reason for her concern. "The 33 per cent increase in dependent children rolls for the year ending in June, 1969, compares with 8 to 12 per cent increase in preceding years.

In June, there were 32,957 persons enrolled in the AFDC program. By July, 1,094 names had been added, bringing the total to 34,051.

The growing caseload means that the city, which spent $11.8 million in fiscal 1968 for aid to families with dependent children, had to spend $14.6 million in fiscal 1969.

Under the program, a family of four gets $2,300 a year—and this figure is $1,000 below the government-defined poverty standard for families of that size.

Officials at public and private welfare agencies cite a number of causes for the increase in relief dependency:

Special programs are making more poor persons aware that welfare is available to them, and antipoverty workers are seeing that they apply for it properly.

Rising costs of living and inflation, which make it difficult for families to continue struggling on sub-welfare incomes, are moving them to apply for relief.

Washington's large young population is coming of age and forming families, but job opportunities are not expanding to meet the demand.

Elimination of the one-year residence requirement. Welfare officials found the largest group of newcomers seeking aid had lived here less than one month.

A new simplified, or declaration, method of making applications eliminates routine investigations and relies on the applicant's word. After the new method was inaugurated in July, the Welfare Department received a record 1,141 applications the same month and 1,123 in August, compared to 669 and 836 in the two preceding months.

Court decisions removed some more restrictive welfare policies, which has tended to make welfare less "degrading" than it once was. Relief clients no longer must admit welfare investigators into their homes, for example.

Medicaid. The medicaid program has no direct ties to public assistance, but it is having an effect on the relief case-load, according to Miss Thompson. Persons in the medical aid program have become more conscious of their eligibility for other services, she explained.

Last year's dramatic increase in aid to families with dependent children caught the welfare department by surprise, officials there acknowledge. The department had anticipated new cases would continue to be added at the old rate of about 50 to 80 a month. Instead, they averaged 245 new cases a month.

This year the department again underestimated. It sought money in the fiscal 1970 budget, which took effect in July, for an average caseload of 7,830 families. By July, the first month, 8,002 families were already on the rolls.

And Miss Thompson sees nothing to stop the upward spiral in caseloads.

Isadore Seeman, director of the National Capital Area Health and Welfare Council, estimates that only a third of the families eligible for relief actually receive it, both here and nationwide.

"We've got a pool of potential families all the time," Seeman said.

Richard Carter, head of the Neighborhood Legal Services Program law reform unit, said he is "proud" of the group's efforts to get former restrictive welfare policies changed. If the caseload is going up, "maybe we're just beginning to approach the number of people who should be getting assistance," he said.

Mr. MURPHY obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. MURPHY. I have the floor. I have not been able to get the floor for over an hour.

Mr. McCLELLAN. Mr. President, will the Senator yield to me?

Mr. MURPHY. I am glad to yield.

Mr. JAVITS. Will the Senator withhold for a minute, because we have sufficient Members present for the yeas and nays to be ordered.

Mr. McCLELLAN. Very well.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

RESOLUTIONS AGAINST ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, Federal and State agencies striving to develop programs for curbing organized crime have just received a significant contribution from one of the oldest and most respected associations of law enforcement officials.

The International Association of Chiefs of Police, at its 76th annual conference in Miami Beach, recently adopted an integrated set of resolutions on measures against organized crime. Those resolutions should be of great interest to Congress and the President as we work together to enact and utilize effective laws against organized crime.

The resolutions include a broad call for a strengthening of efforts at all levels against organized crime and a number of specific plans and recommendations. The association adopted programs to improve public awareness of organized crime conditions, to evaluate antiorganized crime techniques used by police departments, to foster regional police cooperation against organized crime, and to assist in developing model organized crime intelligence units, and resolved to join with related professional associations in an effort to eradicate corruption in the criminal justice system.

The association further resolved to support the enactment and use of legislation aimed at organized crime, such as electronic surveillance laws, and concurred with a number of specific organized crime bills now in the final stages of processing by the Subcommittee on Criminal Laws and Procedures: S. 30 and S. 976 on organized crime evidence gathering and penalties, S. 1624 on wagering taxes, S. 1861 and S. 1623 on infiltration of legitimate organizations, S. 2022 on gambling and corruption—with two amendments proposed by the association—and S. 2122 and S. 975 on witness immunity.

The leaders of our Nation's police agencies have joined together to summon, with a single voice, the strong and immediate action, by this body as well as other arms of government, which the crisis of organized crime demands. We must answer that summons: it is nothing less than the call of duty.

Mr. President, I ask unanimous consent to have the text of the resolutions printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

ORGANIZED CRIME—PENDING LEGISLATION

Whereas, The International Association of Chiefs of Police considers organized crime a problem of great urgency; and

Whereas, The Federal Government has a special responsibility and a special competence to deal with the interstate nature of organized crime; and

Whereas, There is now pending before the Congress of the United States legislation to make more effective the Federal Government's effort against organized crime, now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, concurs with the following legislative recommendations:

S. 30, a comprehensive revision on strengthening of the evidence gathering process in organized crime investigations.

S. 1623, prohibiting the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce.

S. 1624, eliminating the self-incrimination hazards which embodied the Supreme Court's decisions in *Marchetti* v. *United States* and *Cross* v. *United States*, facilitating collection of taxes on wagering.

S. 976, providing increased sentences of up to 30 years for persons convicted of felonies which are part of a continuing criminal activity in concert with one or more persons.

S. 1861, prohibiting the infiltration of legitimate organizations by racketeers or the investment of proceeds of racketeering activity in such organizations where interstate or foreign commerce is involved.

S. 975 and/or S. 2122, endorsement of the principle of a general immunity statute.

S. 2022, making it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of the state.

Be it further resolved, That the International Association of Chiefs of Police mandate its staff to urge that Congress, when it considers S. 2022 amended to include the crimes of prostitution, loan sharking, narcotics and extortion, and to limit the jurisdiction of the legislation to organized crime activity.

ORGANIZED CRIME—A COMPREHENSIVE PROGRAM

Whereas The International Association of Chiefs of Police represents professional law enforcement; and

Whereas, Organized crime is a problem of such deep concern to the public and law enforcement; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, mandates the staff to develop under the leadership of the Organized Crime Committee a comprehensive program on organized crime including:

Preparation of public information materials on organized crime to be distributed to members for local use;

Assignment of at least one staff member full time to organized crime programs;

Conduct surveys on request to evaluate criminal intelligence, internal inspection, and other anti-organized crime efforts by police departments;

Sponsorship of regionalized police conferences of organized crime appropriately staffed;

Cooperation of Law Enforcement Assistance Administration in the development and implementation of model intelligence units;

Operation of a national clearing house for public information on organized crime activities;

Communication to Congress of the International Association of Chiefs of Police's support for legislation now before it, and endorsed by this Committee.

ORGANIZED CRIME—PROSECUTION OF CRIMINALS

Whereas, the difficulties of prosecuting organized criminals clearly point up the deficiencies in our system of criminal justice; now, therefore be it

Resolved, that the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that the Legislation, Criminal Law and Procedures Committee of the International Association of Chiefs of Police work with the American Bar Association, National Commission on Reform of the Federal Criminal Code, and other relevant organizations to re-examine jointly those aspects of the law in criminal procedures which retard the prosecution of organized criminals.

ORGANIZED CRIME—INTEGRITY WITHIN CRIMINAL JUSTICE SYSTEM

Whereas, the ability of the people to achieve justice depends on the integrity of those who administer the criminal justice system; and

Whereas, organized crime seeks the nullification of government through systematic corruption of those institutions which comprise the criminal justice system and exists, in part, because of its success in corrupting the components of said system; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, affirms its determination to eradicate corruption, and calls on other professional associations representing other components of the criminal justice system, to join in our efforts to eradicate corruption throughout the system.

ORGANIZED CRIME—ELECTRONIC SURVEILLANCE

Whereas, The proven effectiveness of the electronic surveillance provisions of the Omnibus Safe Streets and Crime Control Act of 1968 (Title III) make desirable a more general application; and

Whereas, Some states have enacted implementing legislation along the same lines; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that all states not now having such authority enact or amend their laws to permit the use of electronic surveillance devices as stipulated in Title III and that, as Congress intended, the statute be used by all relevant federal agencies.

ORGANIZED CRIME—A STRENGTHENING OF POLICE EFFORTS

Whereas, The law enforcement effort against organized crime has suffered in the past from lack of cooperation, fragmentation, and diffusion; and

Whereas, An effective law enforcement effort against organized crime requires a coordinated effort by law enforcement at all levels; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, calls on law enforcement agencies at federal, state, and local levels to strengthen law enforcement efforts against organized crime.

JUDICIAL PROCEDURE FOR OBTAINING EVIDENCE OF FINGERPRINTS

Mr. McCLELLAN. Mr. President, on October 7, 1969, I introduced S. 2997, which was based on the recent decision of the Supreme Court in *Davis* v. *Mississippi*, 394 U.S. 721 (1969). S. 2997 provides a judicial procedure for obtaining evidence of identifying physical characteristics such as fingerprints, footprints, hair fibers and the like. During my introductory remarks, I emphasized that I wanted this proposed legislation subjected to close scrutiny by those knowledgeable in the area of criminal law.

I was very pleased, therefore, when I received last week a letter from Justice Edward E. Pringle of the Colorado Supreme Court, who made reference to S. 2997 and enclosed a copy of the new Colorado rule of criminal procedure under which warrants may be obtained for fingerprinting. I have directed the staff to study the Colorado rule, and it may be that it contains some provisions that would improve S. 2997. At any rate, this will give us something with which to compare our bill; and, I should hope that in the future we will receive additional information that will be as helpful as Justice Pringle's correspondence. I urge each Senator to study and compare these two procedures and give me the benefit of his criticisms.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks a copy of the Colorado procedure for issuing court orders for fingerprinting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE 41.1—COURT ORDER FOR FINGERPRINTING

(a) *Authority to Issue Court Order for Fingerprinting.* A Court Order for fingerprinting authorized by this rule may be issued by any judge of the Supreme, District, Superior, or County Court, (or of the Court of Appeals upon the creation of that Court).

(b) *Issuance of Order.* A Court Order for fingerprinting shall issue only on affidavit sworn to or affirmed before the judge and establishing the grounds for issuance of the order. The order shall be directed to any peace officer of this State. If the judge is satisfied that grounds for the application exist, he shall issue the order naming or describing the person to be fingerprinted. Grounds for the issuance of a Court Order for fingerprinting shall exist when it be shown by facts alleged in an affidavit of a peace officer that:

1. A known criminal offense has been committed, and

2. There is reason to believe that the fingerprinting of the named or described individual will aid in the apprehension of the unknown perpetrator of such criminal offense, or that there is reason to suspect that the named or described individual is connected with the perpetration of the crime, and

3. The fingerprints of the named or described individual are not in the files of the agency employing the affiant.

(c) *Contents of the Order.* The order shall state:

1. The name or description of the individual to be fingerprinted, and

2. The names of any persons making affidavit for the issuance of the order, and

3. The criminal offense concerning which the order has been issued, and

4. A command to the officer to whom the order is directed to detain the person to be fingerprinted for only such time as is necessary to obtain the fingerprints and to compare such fingerprints to the fingerprints thought to be related to the perpetrator of the criminal offense, and

5. The typewritten or printed name of the judge issuing the order and his signature thereon.

(d) *Execution and Return.*

1. The Order may be executed and returned only within ten days after its date.

2. The Order shall be executed in the daytime unless the issuing judge shall endorse thereon that it may be served at anytime because it appears that the suspect may flee the jurisdiction if the order is not served forthwith.

3. The officer executing the order shall give to the person fingerprinted a copy of the order.

4. No search of the person to be fingerprinted under the Order may be made except a protective search for weapons, unless a separate warrant has been issued for such search under Rule 41.

5. A return to the issuing judge shall be made showing whether the person named or described has been (a) detained for fingerprinting or not, and (b) released or arrested.

(e) *Motion to Suppress.* A person aggrieved by an Order issued under this Rule may file a Motion to Suppress fingerprints seized pursuant to such Order and the said motion shall be granted if there were insufficient grounds for issuance or the Order was improperly issued. The motion to suppress the use of such fingerprints as evidence shall be made before trial unless opportunity therefor did not exist or the defendant was

not aware of the grounds for the motion, but the Court, in its discretion, may entertain the motion at the trial. [Effective October 1, 1969]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. MURPHY. Mr. President, first I would like to congratulate the distinguished Senator from West Virginia for expressing experiences and feelings which coincide with mine. I, too, have had some experiences working in the coal mines, having been what might be called today, "underprivileged."

I, too, have objected over the years to some of the methods used with regard to the so-called war on poverty. I recall that at the very outset I tried to take the political activity out of the war on poverty, by an amendment which passed in this body and passed in the other body and was finally eliminated at the 11th hour. I felt that anybody who was receiving more than 50 percent of his salary from the poverty program should be precluded from political activities and should be subject to the provisions of the Hatch Act.

I have been concerned over the years with what has started out as a great idea, a badly needed idea, which seemed to go afoul of the mark so far as I am concerned; and, unfortunately, I think that billions of dollars, taxpayers' dollars, have been wasted and misdirected. Every year—this is my fifth year on the Labor and Public Welfare Committee—we say that, hopefully, we will fix the poverty program up next year. My concern has always been the same—that the money get to the poor people, to those who need it, and to eliminate many of the services I consider unnecessary.

I concur with the Senator from West Virginia in his remarks. I think that from time to time great damage has been done to this most needed and excellent idea, because of bad management, bad administration, and misdirection. I am hopeful that now, under the new administration, many of these things will be rectified.

Mr. President, I rise this morning to register a mild objection at the hurried manner in which this bill was brought to the floor today when there was other pending legislation which I was given to understand would be heard first. I am not prepared as well as I would have wished. However, since it is the desire of the majority, we will go along with it. Because of a prior commitment that requires me to leave the city this afternoon, and because of my great concern with respect to one particular aspect of the OEO program to which I will speak shortly, and most importantly because of the significance of this legislation, I had asked that debate on the bill be delayed 1 week. I was supported in this request by my colleague, the distinguished senior Senator from New York. We were led to believe the delay would be granted, until last evening when the decision was made to call up the bill this morning.

On a matter of such importance, which has been under consideration for so many months, it is amazing that the majority must suddenly find it necessary to start this matter in such a hurry. By working late last night with my staff, I was just about able to get copies of amendments printed. I am not certain this is the proper way to legislate. I think anything as important as this bill should have proper time for consideration and that it should be done in an unhurried manner.

We are talking about changes in a bill and in an operation that has been in existence for 5 years. As we have heard this morning, the operation in the past leaves a great deal to be desired. It is our hope we can give a better report of taxpayers' dollars in years to come. That is why we held such lengthy committee hearings. However, this is not my main purpose for addressing the Senate today.

As I pointed out in my individual views, printed in the committee report, and as mentioned by the distinguished Senator from West Virginia, I am seriously concerned over the direction in which the OEO legal services program has been allowed to move. At the outset I would like to point out that I was one of the original supporters of the legal services program, a program that I understood was intended principally to provide legal aid and services and assistance to the needy. We would provide a lawyer for the fellow who cannot afford to get a lawyer. I know that is important because there have been many times in my life when I needed a lawyer and could not afford one. And now the irony of life is that I find myself surrounded by 86 lawyers and too many of them are available.

However, in California, and I understand in many other States such as Arizona, Vermont, Colorado, and Florida, the major thrust of the project has been diverted from legal aid and assistance to so-called law reform. Law reform to this Senator means something entirely different. In most cases, this law reform has taken the aspect of the "class action" suit against government officials and agencies, from the superintendent of schools for Madeira Unified School District to the California State Assembly, to the Secretary of Health, Education, and Welfare, and the Secretary of Labor.

Many of the actions are based upon new and sometimes unique theories of law that have required time, imagination, and study in their preparation by OEO attorneys. Because many of the legal services projects have limited budgets to employ lawyers, something has to give. What is it? It is the availability of legal assistance to the poor person. For instance, I have been informed that 11 legal services offices have been closed recently in Los Angeles County and that there has been an announcement that a San Francisco legal aid program will be terminated. All this while the "class action" cases are on the increase.

At the same time, the overburdened taxpayer loses "coming and going" so to speak, as his tax dollars are used both to initiate the suits and to defend them—all when he may not agree with, and has no say in the political philosophy being advocated by the plaintiffs bringing the suit. Recently hearings have been conducted before the Senate Subcommittee on Migratory Labor on the "powerlessness of the migrant worker." I think this is a prime example of the powerlessness of the American taxpayer.

One so-called law reform example is the recent petition filed requesting the Food and Drug Administration to set a zero tolerance level for the use of DDT on raw agricultural products. No matter whether one supports or does not support the efforts of the United Farm Workers Organizing Committee to unionize the table grape pickers in California and Arizona, it is clear that UFWOC is presently employing the pesticide usage issue—particularly as it relates to DDT—to assist its boycott of table grapes. One aspect of this campaign to to attack the FDA and other established governmental institutions as being derelict in their duties to protect the farmworker and the consumer. Thus, on October 1, UFWOC supporters picketed the FDA and distributed a handout which said in part:

> Every day it becomes more and more clear that the FDA is more interested in protecting the growers and not the consumers and workers.

In this background, at a press conference last week presided over by a local organizer for UFWOC, the action against the FDA that I alluded to before was announced. However, the action was not filed on behalf of the union, but on behalf of a number of individuals and a substantial New York foundation. Who is representing these petitioners? None other than the California Rural Legal Assistance, an OEO-funded legal services organization. It is also interesting to note, Mr. President, that on October 6, the same California Rural Legal Assistance issued a press release announcing, that it was representing farmworkers who have filed six major law suits and workmen's compensation complaints concerning reoccurring pesticide injuries against allegedly negligent growers.

Mr. President, this is not the appropriate place or time to decide the valid-

ity of such claims. It is important only to note that California Rural Legal Assistance, a tax-supported organization, is being employed for political gain by a private group. I suggest that this is a new form of Federal subsidy.

Certainly, this was not envisioned or imagined by this Senator when the legal assistance program was instituted. Mr. President, you can rest assured that I object to the political involvement of a federally funded organization, no matter to whose benefit it involvement runs, whether worker, grower, corporation, or otherwise.

Mr. President, I believe the issues involved here are succinctly expressed in a letter I received recently from the Governor of my State, Ronald Reagan. He stated, in part:

> We are satisfied that it was not the intent of the authors of the Economic Opportunity Act, or of Congress, to provide for taxpayers' funding of entities preoccupied with political issues under the guise of so-called "social reform" through the courts, rather than through the normal channels of legislative and executive action in which all segments of the public have equal representation.
>
> Nor do we feel that it was the intent of Congress to fund entities whose tools include harassment of individuals and groups, both public and private, and solicitation of some clients to the neglect of others at the door.

Mr. President, how do we direct this program back to its original and proper course?

Director Rumsfeld and the Director of Legal Services, Terry Lenzner, have asked for time and a chance to put their house in order. I suggest that we give them both, but I propose that we first make it crystal clear to them the intent of Congress in establishing the legal services program and that we are dissatisfied in part with its past performance—and, may I say, a great deal of its present performance.

Therefore, Mr. President, I submit my first amendment that eliminates the authorization of so-called add-on funds of $16 million for the fiscal year ending June 30, 1970 and $32 million for the fiscal year ending June 30, 1971. And, in addition, eliminates $10 million of the earmarked authorization. As a result the legal services program would receive an authorization of $48 million, $6 million in excess of what it received for fiscal year 1969. This I propose is a measurable expression of congressional displeasure at the course the legal services program has been allowed to progress. If a substantial improvement is seen in the direction of the program by next spring, the cuts could be restored for fiscal year 1971.

My second amendment is one which will provide the Governors of the various States with an item veto over legal services projects submitted for their approval. In testimony given before the subcommittee, Mr. James Martin of the National Governors Conference requested an item veto on all projects. However, it is my belief that it is only necessary now in relation to the legal services program. In addition, this amendment eliminates the Director's right to override the Governors' veto on legal services programs.

Mr. President, it will be recalled that at the outset of this program the Governors of the respective States had the right of veto. Gradually, the right of veto was taken away from them. Gradually, after objections, some of it was put back. But it could always be overridden by the Director.

I should like to restore the power of the veto to the Governors, it is in keeping with the dealings of the new administration that more and more of the determination be placed at the local level and at the State level, based on the theory that people within the States, as so well expressed by the distinguished Senator from West Virginia, know more about State problems than some of us in Washington or in other States.

I further believe that an item veto will allow a Governor to direct a legal services program to be more responsive to local needs and will allow him a means to express to the Director of the Office of Equal Opportunity his belief in the type of legal services program that should be undertaken. As we are now aware, a Governor must veto an entire program—a most difficult political act to undertake.

Mr. President, I am not happy about authorizing any amendments at a time when the President of the United States has asked that the program be continued for 2 years with no substantial changes. However, since the majority has made substantial changes in the bill as it has emerged from committee—matters already raised by the distinguished senior Senator from New York and the distinguished Senator from Vermont, and to be discussed by the distinguished Senator from Colorado, I felt it appropriate to raise the issues I have. More important, Mr. President, I sincerely believe, as I have from the beginning, that the legal services program is one of the most significant parts of the poverty program, and if it is implemented in the manner intended by Congress it can be of great benefit not only to the individual who so bady needs this service, but also to our entire society.

Mr. JAVITS. Mr. President, I think that all of us have been very well served by the statement just made by the Senator from California. I wish to attest to his fidelity to the programs generally. He has frequently raised this problem with the legal services program and its utilization. It is not necessary to agree with every aspect of what he has put before us in order to appreciate his concern, as developed in the colloquy with the Senator from West Virginia (Mr. BYRD), and to feel that a considerable amount of judgment must be exercised in the interest of the whole program in the day-by-day administration of the legal services program.

Whether or not I support the amendments which the Senator from California has proposed, I do not think we can eliminate from cases in controversy the question of challenge to an individual law or anything like that, but I do think that, on the whole, we have to try to exercise a specific rather than a revolutionary interest in the way in which the program is used.

I shall do my utmost, as the ranking member, in deference to the Senator from California's views, to support myself to that kind of administration.

Mr. MURPHY. I believe that my distinguished colleague from New York understands that it is not my desire to eliminate their activities. It is my feeling that their present activities belong in a different and possibly special category.

Based on the experience we have had in California, I believe that the original purpose of the legal assistance has been diverted to something entirely different.

I should like to see the program at the service of the individual, who so badly needs that service.

Possibly at some later date, the committee can take up a proposal to set up new machinery to carry out the other aspects, as expressed so ably by my distinguished colleague, and by the American Bar Association report, which we all believe and understand are needed; but it seems to me it would be difficult to express to my constituents why they are being asked for their tax dollars to pay for both sides of a legal case when they may have no interest in the case, or may be completely opposed to the purposes of the case.

That is the main thrust of my amendments which I have sent to the desk.

I thank the Senator from New York.

Mr. JAVITS. I thank my colleague from California.

Mr. MONDALE. Mr. President, I should like to make a few comments. Although I understand the amendment of the Senator from New York is now pending, the question Senator MURPHY has raised relates to the structure of the OEO legal services program.

The Senator from New York will recall that I was planning, in committee, to offer an amendment to strike any Governor's veto of legal services. We consulted with Director Rumsfeld and the administration and they asked that the present structure which permits the Governor to veto, but the OEO Director, under special circumstances, to override that veto, should remain as it now is in the law.

Based upon the administration's interpretation, I reluctantly withheld my amendment.

Further, it was my understanding, and it is my understanding now, that the administration's position would essentially support the structural arrangement for OEO legal services as it is now in the bill.

Also, I should like to refer to and call the attention of the Senator from New York to a significant letter which appears on page S12445 of yesterday's CONGRESSIONAL RECORD, a letter from the president of the American Bar Association, Mr. Segal, which was addressed to me.

That letter spells out very clearly that the American Bar Association stands strongly behind the OEO legal services program both in structure and amount of money as was recommended by the Senate Committee on Labor and Public Welfare. I shall not read the whole letter, but I would recommend it for the reading of all my colleagues. In this letter the

president of the American Bar Association, Mr. Segal, says, in part:

DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

One final item: The proposed cut recommended by the Senator from California would reduce the funds authorized for OEO legal services below the amount recommended by this administration. The Senator from California proposes authorizing only $48 million. The administration, through its budget, has recommended $58 million. The American Bar Association, in its testimony before the committee, has strongly recommended an appropriation of $90 million. The committee bill is a compromise. The amounts for the first year is less than I would like to have. Only in the second year do we come up to the $90 million figure we feel is required.

Mr. JAVITS. Mr. President, I am very grateful for these comments from both my colleagues. I think they will come to the fore as the Senator from California moves his amendment. I prefer to discuss it then.

I should like to take 5 minutes to complete my statement on my own amendment. I think Members of the Senate would like to vote before 1 o'clock.

The amendment I offer would eliminate earmarking for fiscal year 1971. Earmarking is essentially by title and applies for both years.

There is a difference between the 2 years, which is the essence of why I offer this amendment. I am the principal sponsor of the administration's bill, which had no earmarking at all. For the year 1970, the President has, for all practical purposes, already earmarked. The earmarking of the committee in the bill is substantially the same as in the President's budget. The only increased item is an emergency food and medical services item, and the amount of the increase there is only $8 million.

So the fundamental concept of saying in law what the President has said in his budget, although the President did not call for earmarking, I certainly cannot, as the sponsor of the President's bill, object to. But for the second year I believe it is very unwise to earmark, notwithstanding the provisions that allows transferability of 15 percent from any program, because we would really be defeating ourselves as to the whole concept which we and which the President intend with respect to the OEO. The intention is that it shall now become in essence a staff rather than a line agency; that it shall have the opportunity for innovation, for new programs, for concentrating on particular programs that look the most promising; and that it shall spin off seasoned and ongoing programs at a rate which is much more accelerated from what it was under the previous administration and to existing line agencies of the Federal Government, and free the OEO to make the antipoverty program really meaningful and original. This is an excellent concept, and certainly the committee strongly subscribes to it.

The President has stressed this in his statements on the poverty program. Director Rumsfeld has emphasized it in his appearances before the Committee and the Subcommittee on Employment, Manpower, and Poverty. And the majority, in its report, has accepted it. The report notes, on page 54:

At the same time, there is no question that OEO has achieved sufficient success to merit its continuation as what it was meant to be—a program which is both supplemental and experimental, serving as an advocate of the poor within the agencies of government and in the Nation at large, facing up to the unmet needs and seeking the answers to the riddle of poverty which have eluded us in the past.

Mr. President, I submit that earmarking provisions are inconsistent in principle with this established concept of OEO as innovator, and an advocate and will act in practice to prevent full implementation of these roles, which all who support the poverty program have endorsed.

The earmarking provisions will act most detrimentally in the second year, that is fiscal year 1971. If those provisions are allowed to remain in this bill, the Director will be forced to make programing decisions on the basis of fiscal year 1970's budget submission, not on the basis of that year's experience. Earmarking provisions will stifle new approaches, limit OEO in providing supplemental programs, and dilute its ability to act as advocate for the poor, especially in the second year.

Mr. President, the committee may argue that the Director will not be shackled by earmarking in light of the committee's adoption of amendments to transfer provisions of the act, as set forth in section 4 of the bill. It is true that that section provides some relief as a general matter. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 percent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

But looking more closely, note how that the more liberal transfer provision when combined with earmarking, will still not operate to permit meaningful changes in programing, in fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order, first, to provide funds for a new program; second, substantially increase funds for a particularly successful existing program; third, to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources; or fourth, because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

Mr. President, I do not doubt that those who favor earmarking are motivated by a general concern for the preservation of the community action programs. That concern is evidenced by the fact that most of the specific earmarking has pertained to the title II "special emphasis" programs.

While I share the commitment of these Members to the programs, I submit that the statements and the actions of the administration should leave no cause for concern as to their futures, so long as the programs continue to constitute successful approaches to the solution of the problems of poverty. I think that these statements and actions suggest what might be regarded as a favorable disposition, if not a presumption, that in these programs lie much of our hope of dealing with poverty.

We have first the repeated statements of President Nixon that the vital community action programs will be pressed forward.

As further evidence of this commitment, we have only to look at table 1, set forth on page 46 of the Committee Report. That table shows the amounts requested by the Nixon administration for this fiscal year 1970 in each of the categories to be earmarked. Looking at the amounts indicated for community action programs under title II, it is seen that in every case, the Nixon budget requests exceeds the amount programed for fiscal year 1969.

In sum, Mr. President, the total amount for these special emphasis programs which the majority has earmarked is $1,597.5 million, or $174.4 million more than the amounts programed for fiscal year 1969.

Those who favor earmarking may say that if that is the administration's commitment, then why be concerned with earmarking. The fact is, Mr. President, that while it appears on October 14, 1969, that these programs provide the best promise, it may not be the case next year when the administration reviews its budget. What can change? Despite our expectations, the program as originally conceived may not be the best approach as to all of the poor or all of the areas covered. Or just as likely, the administration may, in other departments, launch new programs from additional sources of funding. For example, health services in the Department of Health, Education, and Welfare might

provide the local outreach that only the neighborhood health centers of the OEO can now provide. The Department of Agriculture or the Department of Health, Education, and Welfare might receive substantial moneys for nutrition education outreach and delegate some of those funds for use by community action agencies. In light of the substantial breakthroughs of this administration, in programs to benefit the poor, we must anticipate these possibilities. This, I think, is what is meant when we say that the programs of the Office of Economic Opportunity are supplemental. In short, OEO must be free to cover the "ground" not covered by established departments and agencies of the Federal Government. And to cover that ground, further flexibility is needed.

Ironically, many of the programs which the majority would hasten to protect by earmarking sprang from the local initiative to which we now look for new approaches to solve the problems of poverty. We must not arrest the evolution of new ideas and approaches from their beginnings in poverty areas to an established and secure place in an evolving antipoverty effort.

The committee report and the Director and the President have all stressed the role of OEO as an advocate for the poor within the agencies of Government. But earmarking will serve to undermine that role as the Federal Government approaches fiscal year 1971. Without earmarking, the Director might have some leverage with department heads on how much money should go to such agencies in respect to delegated programs, and therefore, how those programs should be better administered to benefit the poor. Earmarking programs will, in effect, tell those agencies that irrespective of how well or how poorly they do, they will get a certain cut of the "antipoverty" pie. The result will be that the Director will have less of a voice for innovation and improvement.

Mr. President, the funds which have gone into the programs under the Economic Opportunity Act represent a small portion—less than 10 percent in 1969—of Federal funding for all antipoverty efforts. The aggregate of all Federal programs for assistance to the poor amounted to approximately $24.4 billion in fiscal 1969. The funds distributed in fiscal year 1967 under the Economic Opportunity Act are an estimated $1.9 billion. We are considering this bill at a time when the administration has taken the initiative in allocating additional Federal resources to solve the problems of hunger, and to reform the welfare system. It is essential that this agency with its unique participation of the poor and its unique authority and ability to innovate, be unshackled in applying its relatively small resources to those programs and approaches that have shown to be most effective in dealing with poverty and to those new approaches that give promise of maturing into programs that may spin off and become part of the system.

Adoption of this amendment would enable OEO to face the future with freedom to wage the aggressive and sustained and flexible attack on poverty which this administration has so clearly indicated that it will wage—if given the chance.

I would like to point out that there are funds, even for the second year, which are not earmarked, and those funds amount to about $500 million. They consist of the added $100 million which is authorized for the second year as against the first year, plus, under title II of the bill, which is the community action programs, an unallocated amount consisting of approximately $430 million.

This contributes to the ideas which I have espoused, but I think we really have to fish or cut bait in this matter of the second year. If we really want to give OEO an opportunity to move with innovative capacity and experimentation based on the proven record for the first year, for which there will be earmarking, then we have to unshackle it and untie it as far as the second fiscal year is concerned.

We want the most for our money. We want the greatest private participation. We want the best programs we can get. We want local participation. We want the most appropriate response to the needs of the poor and to social needs in the second year.

If we are going to go with this agency under this new director and administration, let us go with them, at least for the second fiscal year, all the way.

Mr. President, that is the case. There are many other facts and figures which I could use to buttress the case, but that is essentially the case for my amendment, and I hope very much the Senate will consider it favorably.

Mr. NELSON. Mr. President, the distinguished Senator from New York presented this position to the committee—very eloquently, I might add—and the committee discussed it at some length, and voted against accepting the concept of having no earmarking the second year of the bill. In my opinion, if we did that, the result would be that we would, in effect, give a blank check authorization for a minimum of $2.148 billion. As I have repeatedly emphasized earlier, the majority on the committee recognizes the need for flexibility in administering this program; we recognize the desire of the administration to innovate and experiment. But this bill gives the administration all the flexibility and all the freedom, I think, that it could possibly desire. What it does not do, and what I think the Senate must not do, is simply grant the OEO Director a blank check to do whatever he wants with the $2.148 billion basic authorization, not counting what possible add-ons may be included.

All education and health bills have authorizations earmarked by titles and parts. We think that the OEO Director should have some similar directive.

The only argument which has been advanced to support no earmarking for OEO is the argument that we would somehow "tie the hands" of the OEO Director or "lock him in" to programs. I do not think that is the case.

In the first place, the earmarking in this bill was drawn up by the OEO Director himself. That is, in their budget justification, they enumerated the earmarking of the programs for which they intended to expend the money. We merely took the OEO budget presentation and put it into the bill. These figures represent the OEO Director's own best judgment of how the money should be spent.

A special argument is made by the Senator from New York against earmarking in the second year of the 2 years covered by this bill. The fact is, by the time the agency receives any appropriations authorized under this bill, the first year will have passed for all practical purposes. At least 6 or 7 months of the first year will have passed.

That means that in 1 more year, OEO will be back before us asking for a new authorization. If they wish to revise their budget figures at that time, they will be free to do so. This bill will merely guide the operations of the agency in the intervening 14 to 18 months.

We do not think it is too much for Congress to specify how an agency shall spend $2.148 billion in such a period of time.

Furthermore, those who argue that the OEO Director is being "locked in," or at least many of them, I think, do not understand the tremendous freedom and flexibility that has already been written into this bill.

For example:

Take the whole category of "work and training" programs authorized in this bill. That alone accounts for $890 million of the slightly over $2 billion authorization in this bill. For that money there is no earmarking whatever beyond the fact that it be used for "work and training" programs.

A list of those "work and training" programs is as follows:

Operation Mainstream.

Neighborhood Youth Corps—out of school.

Neighborhood Youth Corps—in school.

Neighborhood Youth Corps—summer.

Job Corps.

Concentrated employment programs.

JOBS—job opportunities in the business sector.

PACE—public and community employment.

New careers.

This $890 million may be spent in any way the OEO Director desires, within the work and training programs, so his hands are not tied in that respect at all, except that the money must be spent within title I.

In arguing against congressional earmarking, OEO says, "But what if the JOBS program is not as successful as we hoped it would be? What if we want to take more money out of the Job Corps or out of the Neighborhood Youth Corps and put it into some other job training program?"

These are the questions raised by the OEO. The answer is that this bill allows them to do exactly that. The bill provides for $890 million with no earmarking other than that it is to be used for work and training programs.

I think the OEO Director has adequate flexibility within that program to

expend that $890 million in any way he desires.

In addition to that $890 million, there is a lot of other unearmarked money in this bill.

For example, the bill earmarks $1.012 billion for title II community action. There is approximately $400 million in unearmarked money in that title. The Director has great latitude in how he may use this money. He can use it for research and experimentation, he can divert it to any of the other programs under title II such as Headstart, legal services, health services, emergency food programs, family planning, senior opportunities, and so forth. So this gives him $400 million, unearmarked in title II.

Finally, we wrote into this bill a completely new feature, allowing the Director to cut any program—or all programs—by 15 percent and reallocate the money as he sees fit to any authorized program within the agency. If this bill was fully funded, this would give the Director as much as $351 million in the first year and $409 million the second year which he could allocate within his agency any way he chose.

When we grant him $400 million of unearmarked money under the broad title of community action, and when we give him additional flexibility to reallocate $409 million within his agency, it seems to me that that is a substantial and liberal flexibility that we have granted to the Director of the Office of Economic Opportunity, a flexibility such as never before has been in the bill.

Personally, if we have erred in working out a compromise bill, I fear we may have made a mistake in giving the OEO Director too much flexibility.

The majority of the committee started out with the position that we were prepared to give 10 percent flexibility—that is, that the OEO Director could take 10 percent from any and all programs, reallocate it to any programs he saw fit, or all of it to one program. The minority wanted 20 or 25 percent flexibility. We ended up compromising at 15 percent, which I think was a good compromise.

Mr. JAVITS. Mr. President, I think the Senator from Wisconsin has stated the classic basis of the argument by which the committee decided that it did wish to earmark—that is, the majority did. I have stated the administration's position. I should simply like to add one other thing: I would not be here taking the position that I am taking if I believed it represented the remotest jeopardy to the community action agencies or their programs. I think that this is the really innovative and creative aspect of the antipoverty program.

On the contrary, every expression which we had from the Director, and the letter of the President of September 19, 1969, which I read into the RECORD yesterday testify that the community action agency program will do much better without earmarking.

That is my purpose and intent in trying to free the hands of the agency, because the really innovative programs will depend heavily upon self-help and local activity, which are epitomized by the community action agencies and their programs.

So I wish to affirm that offering this amendment represents an expression of confidence by me in the community action agencies, and in what the President, in his letter of September 16, and the Director in his testimony have affirmed to us as their confidence in the community action agencies.

Now, Mr. President, I am prepared to vote if the Senator from Wisconsin is. So that Senators may be notified that we are about to vote on this issue, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 36, nays 50, as follows:

[No. 120 Leg.]

YEAS—36

Aiken	Fong	Murphy
Allott	Goldwater	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Prouty
Bennett	Hansen	Saxbe
Boggs	Hatfield	Schweiker
Case	Hruska	Scott
Cooper	Javits	Smith, Maine
Cotton	Jordan, Idaho	Thurmond
Curtis	Mathias	Tower
Dominick	Miller	Williams, Del.
Fannin	Mundt	Young, N. Dak.

NAYS—50

Allen	Hollings	Nelson
Anderson	Hughes	Pastore
Bayh	Inouye	Pell
Bible	Jackson	Proxmire
Burdick	Jordan, N.C.	Randolph
Byrd, Va.	Kennedy	Ribicoff
Byrd, W. Va.	Long	Russell
Cannon	Magnuson	Sparkman
Cranston	McCarthy	Spong
Eagleton	McClellan	Stennis
Ellender	McGee	Symington
Ervin	McGovern	Talmadge
Gore	McIntyre	Tydings
Gravel	Metcalf	Williams, N.J.
Hart	Mondale	Yarborough
Hartke	Montoya	Young, Ohio
Holland	Moss	

NOT VOTING—14

Brooke	Eastland	Muskie
Church	Fulbright	Percy
Cook	Goodell	Smith, Ill.
Dodd	Harris	Stevens
Dole	Mansfield	

So Mr. JAVITS' amendment (No. 241) was rejected.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill is open to amendment.

Mr. MURPHY. Mr. President, I call my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

"AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

"SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by—

"(1) striking out 'In' and inserting in lieu thereof 'Except as provided in the second sentence of this section, in'; and

"(2) inserting after the first sentence thereof the following: 'No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222 (a) (3) of this Act (relating to the legal services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within 30 days of such submission.'"

Mr. MURPHY. Mr. President, I shall explain the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the explanation?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. Mr. President, this is a very simple amendment. The thrust of the amendment is to restore more control with respect to legal services to the Governors. This is based on the understanding that the Governor of a State may know more about the problems of that particular State and may be more responsive to its particular problems. He can channel legal service programs into productive areas, rather than, as in the past, into areas that have created great dissatisfaction and confusion.

Mr. President, the amendment is very simple. It makes it possible for a Gov-

ernor to have a line veto. As the law stands now the Governor has to veto the entire program. This amendment gives him the opportunity to have a line veto or a select veto so that the good elements of the program can go forward and the elements to which the objects can be vetoed. That is the gist of the amendment, Mr. President.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MURPHY. I am happy to yield.

Mr. NELSON. Mr. President, I wish to ask the Senator precisely how the amendment would change the current law. Do I understand correctly that the Governor now has a veto over any program?

Mr. MURPHY. The Senator is correct.

Mr. NELSON. And the OEO Director may override the Governor's veto. Is that correct?

Mr. MURPHY. I am unclear on that. There are great discussions about it. Whether or not the Director may override the Governor, this particular amendment would merely authorize the Governor to veto line items in the overall program.

In the speed of writing the amendment, I have not had a chance to even read the language which the staff has included in the amendment, but that was my desire, as I suggested the amendment.

In other words, the Governor would have 30 days to disapprove and he would not have to disapprove the entire program. He could disapprove line items in the program and in this way permit the body of the program to go forward and merely exercise his veto on line items.

Mr. President, I understand the Senator from Minnesota (Mr. MONDALE) wanted to speak with reference to the amendment and I did not intend to have the amendment called up without him being present.

Mr. NELSON. The Senator from Minnesota has been sent notice to be here. In the meantime, I wish to ask the Senator a question. It was my recollection that when the issue was before the subcommittee the Senator from Colorado (Mr. DOMINICK) stated that the administration was opposed to any amendment on the legal services program. That is my recollection.

Mr. MURPHY. I believe the Senator is correct.

Mr. NELSON. It is also my recollection that the Senator from Minnesota (Mr. MONDALE), based on that statement, withdrew his own amendment. Am I correct in that?

Mr. MURPHY. I am not certain because I was not present at that meeting. However, I am told that was the gist of the discussion between the Senator from Minnesota (Mr. MONDALE) and the Senator from Colorado (Mr. DOMINICK). I now see the Senator from Minnesota (Mr. MONDALE) in the Chamber.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I believe the Senator from California is aware of the discussion which took place on this issue in the Subcommittee on Employment, Manpower, and Poverty. I had proposed the adoption of an amendment which would strike the Governor's veto power entirely from the OEO legal services program. That matter was discussed with the administration, with the Director of the Office of Economic Opportunity, Mr. Rumsfeld, and it was the position of the administration, and I assume it is today, that the program structurally, as it relates to the veto, should remain as it has been and now exists in the law.

Being anxious to contribute to an OEO measure that would have the support of the administration and the support of a broad bipartisan cross section of the Senate, I withdrew my amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from California.

Mr. MURPHY. Mr. President, I just want to make it clear that I heard something of the discussion but I was not present that day. Unavoidably, I had to be absent. I want to make it clear that I was not a party to that understanding.

Mr. MONDALE. The Senator is correct. My recollection is that he was not at that meeting, but my understanding is that the administration does not advocate or want any changes in the pending law as it stands, and as it affects the Governors' veto. Of course, insofar as the specific line items for OEO legal services are concerned, today the OEO Director has full power to determine the amount of the funds which any OEO legal service will have. That is entirely within the control of Director Rumsfeld and under the control of President Nixon.

The line item amendment as proposed by the Senator from California, in a sense, is redundant insofar as control over the Director and the administration are concerned over those funds.

The main point is that the American Bar Association and, really, the President of the United States, are proposing expansion of this program and have endorsed the broad outlines of the program as it now exists.

One of the key and indispensable elements of the program is not alone the funding but also the integrity of the program.

If we do not permit the poor to have attorneys who can present their cases free and unfettered from outside interference, which compromises the role of the law, we are in effect, even if we provide the funds, robbing the program of its greatest promise.

The American Bar Association which, to my knowledge, has never been charged with extreme leftwing irresponsibility, has repeatedly spoken out for the integrity and independence of the OEO legal services program. At its last convention, it passed a resolution strongly urging, in clear terms, continuing independence of the program.

In the letter placed in the RECORD yesterday, written by Mr. Segal, president of the American Bar Association, the ABA once again renewed the hope that OEO legal services would not only be adequately funded but would also be permitted to be a program which would provide the poor with independent, adequate, and competent legal services.

One of the interesting aspects of the OEO legal services since its founding is not only its impressive victories and the unique kinds of law reform cases brought, but also that it has significantly, subtly, and pervasively been subject to attacks attempting to try to destroy the program in terms of its integrity and independence in the kinds of lawsuits that should be brought. It has been subject to interference by local bar associations, Governors, and by the power structure generally trying to control it.

If we want to have a program of integrity, one that truly represents the poor, the present structure is the least we can accept.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution adopted at the annual meeting of the American Bar Association in Dallas, Tex., last August.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, attacks against Legal Aid and Legal Services lawyers and other lawyers threaten the rights of clients to have independent advocates;

Now, therefore, be it resolved, That the American Bar Association supports and continues to encourage every lawyer in the exercise of his professional responsibility to represent any client or group of clients in regard to any cause no matter how unpopular; and

Further resolved, That the American Bar Association deplores any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provide legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby.

Mr. YARBOROUGH. Mr. President. will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on October 13 by Bernard G. Segal, of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, urging strongly passage of S. 3016 as reported by the Committee on Labor and Public Welfare.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Washington, D.C., October 13, 1969.

Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions re-

garding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. MURPHY. Mr. President, it is my view that the American Bar Association is a party of special interest to this matter. I generally go along with the recommendations of the American Bar Association. I know how diligently my colleagues follow its recommendations and I hope they will be as sensitive to its recommendations when the case of Judge Haynsworth comes before the Senate. I believe that the American Bar Association now has twice recommended approval of Judge Haynsworth.

If I may try to explain my position: I have not questioned the propriety or the need for law reform. However, it was my understanding at the time the legal services program was proposed, that it was to provide individual legal services for some poor fellow who could not afford a lawyer. This is why I so enthusiastically joined in its support.

The program was not to set up a bank of lawyers to enjoin the California State Legislature, or the Secretary of Labor, or the Governor of the State, or to come in and try to attempt to write complete legal reform. That is a different field of operation so far as I am concerned. That is the tack that has been followed by the California Rural Legal Assistance.

I believe that the legal service program should be returned to the purpose for which it was designed at the outset. Then, at a subsequent date, if the Labor and Public Welfare Committee wants to hold hearings and decides the matter of law reform is an important one, it could frame the appropriate legislation.

I have the greatest regard for the views of the American Bar Association, but the experience in my State makes it necessary in the area of legal services that the Governor have the right to a line veto and not to be overriden by the Director.

I am sensitive to the administration's request. I know the new Director very well. However, in my judgment in my State of California, from which I have the honor to represent one-twentieth of all the citizens of the United States, the legal services program will operate much better with this amendment.

As my colleagues know, I am the most pliable fellow in town. If a program is working well, I believe that it should be left alone. This program has not worked well. That is the reason I want to give it a reasonable chance by going back to its original concept. This was the condition under which the original program was sold to the Congress.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield.

Mr. MONDALE. Do I understand the Senator's amendment to apply only to the OEO legal services program?

Mr. MURPHY. That is exactly right.

Mr. MONDALE. In other words, of all the titles in the OEO Act, the only one that would give the Governor veto power over a line item as distinguished from a whole program would be the OEO legal services program?

Mr. MURPHY. That is right.

Mr. MONDALE. Does it worry the Senator from California that that might be used by a Governor to discourage lawsuits that might be unpopular, yet necessary to defend and assert rights of the poor? In other words, if a rural service wanted to do something about illegal Mexican migrants who crossed the border to break a strike and depress working conditions, and the rural legal service thought they ought to bring action in that kind of case, and the Governor did not think so, could the Governor then veto that lawsuit?

Mr. MURPHY. Yes; he could. If my distinguished colleague will permit me, that type of lawsuit might properly be brought, but it should not be brought under the guise of a provision that was put in there originally to provide legal services on an individual basis for some poor fellow who just cannot afford a lawyer. I know a great deal about the problem of the illegals as a result of Public Law 780 going out of existence. I would have fought for that law before it went out. We now would have legal farmworkers rather than illegal ones. I would hope that sometime in the future we might get back to that. But in this case, on basic principles, on my philosophy of government, I would have to say that a Governor is more sensitive to the needs in his particular State. That is the philosophy of the new administration. of renewed federalism. I would think it would be preferable that the Governor, if he were doing something contrary to the wishes of the majority, were quickly replaced. On the other hand, if it were the purpose to make this operation function more properly for the benefit of an individual, rather than some mass action, or some highly financed labor union, rather than in the case I mentioned this morning of a foundation from New York, I would think this would be a proper amendment and might work for the general benefit of the poor, who are the ones I am concerned with.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. Did I understand the Senator to draw a distinction between personalized legal services for individuals who are impoverished, on the one hand, and so-called law reform suits, on the other hand?

Mr. MURPHY. Yes; that is exactly my point.

Mr. MONDALE. Did I understand the Senator to say he supports legal services for individual purposes, but opposes them in the broad——

Mr. MURPHY. I must intervene. I did not oppose them. I oppose them in this particular piece of legislation, because it was not designed for that purpose. I have said that several times. I think hearings should be held. I think possibly another amendment to take care of so-called law reform, to take care of bracero problems, might be proposed. But under this statute, according to my understanding—and I was one of the developers of the concept—this was for legal services for some poor fellow who cannot afford a lawyer, and it was not to take up some extravagant move by social reformers, labor unions, or other organizations of that kind. That is why I draw the distinction.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. When the then nominated Director, Mr. Rumsfeld, appeared before the Employment, Manpower, and Poverty Subcommittee, I asked him his view about the proper role of the OEO legal services, and particularly whether he felt the OEO had a function to perform in the law reform field and whether it should be used for that. I must say I was very pleased by his answer. I quote a part of it, which appears on page S12245 of yesterday's CONGRESSIONAL RECORD. He said:

As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.

That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

In other words, the Director of the Office of Economic Opportunity, Mr. Rumsfeld, I think quite clearly recognizes the importance of law reform services and underscores the need from time to time to make government more responsive and to permit lawsuits to be brought against various levels of government. Does the Senator from California disagree with that, for example?

Mr. MURPHY. I have said three times in the last 12 minutes that I am not in disagreement with it, but I am in disagreement with the use of a statute that was established to provide legal services for individuals being turned over to law reform, which is an en-

tirely different operation and which should possibly be set up under a special provision in the bill. Perhaps at a later time, the Director may agree with me. He is a new Director, who has just come in. I must say he comes in under the best auspices. I had the opportunity of knowing him. I think he will do an excellent job. But I also know that when he appears before a committee and is cross-examined by distinguished, great, trained legal minds, such as my dear friend from Minnesota, he might possibly not think as deeply as he should in order to have his logic catch up with the fluidity of his expression.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. To get back to the proposition, with all respect to the American Bar Association and the administration's suggestion and to the feelings and the wishes, as described and read, of the new Director, I am not in great disagreement that there should be law reform. That is not my purpose. I disagree that a statute that was enacted to provide legal services for some poor individual who cannot afford a lawyer, the poor man we worry about, should be used for another purpose. If my distinguished colleague wants to institute hearings with regard to law reform, I would welcome them. I think he would probably be on sound ground.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. I respect the position of the Senator from California, but I think I am fair in saying that both the OEO Director, Mr. Rumsfeld, and the Director of Legal Services, Mr. Lenzner, have not only endorsed the concept of legal reform lawsuits being brought by the OEO legal services program, but, in fact, have underscored it as the key, and one of the fundamental aspects, of the entire program.

We have seen cases where, for example, it is very difficult to define what is the difference between an individual need and a broad general need. For example, there was a State which had many counties in which there was no food stamp program. A lawsuit was brought requiring the Department of Agriculture to make food-stamp programs available in all counties. That lawsuit was won. The Department of Agriculture has not responded yet, but this shows how difficult it is to differentiate the individual situation from the broad public policy.

Mr. MURPHY. Mr. President, will my distinguished colleague yield?

Mr. MONDALE. I am happy to yield.

Mr. MURPHY. I should like to point out how difficult it was to decide whether or not there was need for food stamps. As I recall, it was almost 2 years ago now.

Mr. MONDALE. That has been settled.

Mr. MURPHY. Yes, but it took a year. It took a year, between members of the committee and the former Secretary of Agriculture, to decide whether or not there was a need for food stamps in one of our Southern States.

I think if we proceed with consideration of the amendment, and get underway quickly in setting up the instrument for legal reform, we would be making great progress and at the same time preserving the integrity of this piece of legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. MURPHY. Mr. President, I suggest the absence of a quorum. I ask that a quorum call be instituted, if it is agreeable, so that we may ask for the yeas and nays. I see no purpose to be served by continuing this dialog.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. After apologizing to my colleagues for interrupting their lunch, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. JAVITS. Mr. President, I am well acquainted with Senator MURPHY's amendment, and I am very sympathetic to the feelings which dictate it. There are, without any question, just grievances reflected in the position which he has put before the Senate.

As I introduced the administration's bill, and am in a sense handling it on the Senate floor as ranking minority member of the Committee, I deliberated, frankly, whether to say anything about this matter, because I am sympathetic with with Senator MURPHY's position.

But in all fairness to the administration, I think it is my duty to say that this is a provision which takes a positive step about a matter which the administration did not include in its bill, and which I did not introduce.

I was the architect of the compromise which resulted in dealing with the Governor's veto question, and in conscience, I must tell the Senate that I believe that, as to any part of the program—and I do not pick out this part, that is, legal services, particularly—I would not have favored and I do not think I would have introduced the administration's bill if it had favored giving the Governor an absolute veto.

I would state to the Senator from California that it was in legislative vigilance that we had that debate with the Senator from West Virginia (Mr. BYRD). In every way, I shall do my utmost to keep the feet of the administration to the fire on this question of what the Senator calls law reform—that is, endeavoring to lend themselves to these broad questions of governmental policy through the new initiative and new energy of the poor in the OEO.

Also, if there are specific situations which come up in which a Governor's veto is not getting the proper weight and proper consideration, again I would lend myself, whether it is my State or any other, as the ranking minority member of the committee, to doing everything possible to get the utmost evaluation for the Governor's point of view.

Mr. President, with all fairness and with all due respect, I simply must say that I could not bring myself to go against the compromise which was so very hard to work out in our previous conference with the House on the question of the absolute power of the governor to exclude a program from his State.

That is all I wish to say about the matter, again expressing the deepest respect and understanding for what the Senator from California is trying to do, and promising him that I will lend myself in every way to assist him in any case in which the OEO has taken a questionable direction.

Mr. MURPHY. Mr. President, I thank the distinguished Senator. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY) and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Kansas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 121 Leg.]

YEAS—45

Aiken	Fannin	Mundt
Allen	Fong	Murphy
Allott	Goldwater	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Prouty
Bennett	Hansen	Russell
Boggs	Hatfield	Smith, Maine
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Spong
Cooper	Hruska	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dominick	Long	Tower
Ellender	McClellan	Williams, Del.
Ervin	Miller	Young, N. Dak.

NAYS 40

Anderson	Jackson	Pell
Bayh	Javits	Proxmire
Bible	Kennedy	Randolph
Burdick	Magnuson	Riblcoff
Cannon	Mathlas	Saxbe
Case	McGee	Schwelker
Cranston	McGovern	Scott
Eagleton	McIntyre	Symington
Gore	Metcalf	Tydings
Gravel	Mondale	Williams, N.J.
Hart	Montoya	Yarborough
Hartke	Moss	Young, Ohlo
Hughes	Nelson	
Inouye	Pastore	

NOT VOTING—15

Brooke	Eastland	McCarthy
Church	Fulbright	Muskie
Cook	Goodell	Percy
Dodd	Harris	Smith, Ill.
Dole	Mansfield	Stevens

So Mr. MURPHY's amendment was agreed to.

Mr. WILLIAMS of Delaware. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to reconsider the vote by which the amendment was agreed to.

Mr. MURPHY. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF CLEAN AIR ACT

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2276.

The PRESIDING OFFICER (Mr. HUGHES in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act which was to strike out all after the enacting clause, and insert:

That the first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and", and by striking out the period at the end thereof and inserting in lieu thereof ", and for the fiscal year ending June 30, 1970, $18,700,000."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2276 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. DOLE conferees on the part of the Senate.

REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—REFERRAL

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the report of the St. Lawrence Seaway Development Corporation for the year ending 1968, which was referred to the Committee on Public Works on September 24, 1969, be rereferred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that all future proposed legislation and matters relating to the St. Lawrence Seaway Development Corporation be referred to the Committee on Commerce for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, on July 14, 1969, a number of nominations affecting the St. Lawrence Seaway Development Corporation were re-referred by the Senate to the Committee on Commerce. It was my intention at that time that all future proposed legislation affecting the St. Lawrence Seaway Development Corporation be within the jurisdiction of the Committee on Commerce.

In this connection, I ask unanimous consent that my statement which appears in the RECORD of July 14, 1969, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RANDOLPH

For some time I have been of the opinion that legislative matters relating to this corporation properly come within the jurisdiction of the Commerce Committee. That Committee, as you know, is directly concerned with matters relating to foreign and domestic commerce, and, of course, the Seaway Authority is an important link in this country's foreign and domestic trade. Also, the Commerce Committee recently established a special subcommittee to study transportation on the Great Lakes-St. Lawrence Seaway which will be directly involved with the activities of the Seaway Corporation.

For the information of the members of the Senate, the St. Lawrence Seaway Development Corporation is a wholly owned Government corporation which was authorized and directed by the act of May 13, 1954, (33 USC 981), to construct, operate, and maintain deep-water navigation works in the International Rapids section of the Saint Lawrence River together with the necessary dredging in the Thousand Island section. The act also directed the Corporation to coordinate its construction and maintenance activities with the Saint Lawrence Seaway Authority of Canada. Management of the Corporation is vested in an administrator and a deputy administrator appointed by the President by and with the advice of the Senate. In addition, the Act established an Advisory Board to review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargoes, and rates of charges or tolls, and is required to advise the Administrator with respect to these matters. The Board is composed of five members also appointed by the President, by and with the advice of the Senate.

In the past, legislation relating to the St. Lawrence Seaway has been handled by three Senate Committees; Commerce, Foreign Affairs, and Public Works. The Committee on Public Works first considered Seaway legislation in July of 1957, when a bill to designate the "Wiley-Dondero Lock" was referred to the Committee for consideration. Subsequent Seaway legislation has also been referred to the Public Works Committee. However, for the reasons previously stated, I recommend that the pending nominations and future legislation affecting the St. Lawrence Seaway Development Corporation again be referred to the Committee on Commerce for appropriate attention.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. AIKEN. I wish to ask the Senator if this matter has been cleared with the Committee on Public Works.

Mr. RANDOLPH. Yes, and with the Committee on Commerce.

Mr. AIKEN. And it is agreeable?

Mr. RANDOLPH. It is agreeable.

Mr. AIKEN. I thank the Senator.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk read as follows:

At the end of the bill insert the following new section:

"AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTI-POVERTY AGENCIES

"Sec. 13. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

"(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 or 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payments due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment."

Mr. WILLIAMS of Delaware. Mr. President, I shall be very brief. I understand the managers of the bill have no objection to the amendment.

I merely wish to state that this matter was called to my attention a couple of months ago. It seems that some community action groups, while withholding their employment taxes, have not been forwarding them to the Treasury as required by law in operations of this type.

I felt by all means that subdivisions of the Government, and they are subdivisions of the U.S. Government, should be complying with the law as it relates to all other type operations; namely, that they should pay their taxes.

Mr. President, the purpose of the Economic Opportunity Act is to educate and train certain groups in order that as citizens, they may move out into useful

employment and meet their obligations to society. The best training that could be extended to any group would be to impress upon them their responsibilities as citizens to meet their tax obligations to the Federal Treasury when they become due.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter dated August 29, 1969, signed by the Acting Commissioner of Internal Revenue, along with attachments thereto, pointing out this problem as it relates to these delinquencies, followed by an explanation of the amendment as furnished by the legislative counsel which explains the manner in which the amendment would operate.

It will be noted that many of these groups which were first classified as delinquent show that the delinquency has been eliminated.

However, it should be pointed out that in far too many cases these delinquencies were paid with new grants from the Federal Government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 29, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This refers to your inquiry of June 20, 1969, concerning past and present Federal employment tax delinquencies on the part of the Neighborhood Youth Corporation of the Kent County Community Action Agency and similar organizations in Delaware and throughout the country.

We are unable to furnish you complete information on all Anti-Poverty organizations which are now or have been delinquent in payment of Federal employment taxes. As you know, our field offices are responsible for identifying and handling all taxpayer delinquencies, and it would be necessary for all 58 districts to research every open and closed case in every open and closed file in order to secure the data you have asked for. I am sure you will appreciate that, with our limited manpower and money, I cannot authorize such a costly undertaking. However I can give you information on those delinquencies in the Anti-Poverty area which field officials have specifically brought to our attention. Lists of these delinquencies are enclosed.

The liabilities shown on the lists may include income tax withholding, FICA taxes and FUTA (Federal unemployment tax). All of the organizations listed incur liability for income tax withholding, of course, even though they may be exempt from income tax as an organization described in section 501(c)(3) of the Internal Revenue Code. If the organization has not established tax-exempt status, liability is also incurred for FICA and FUTA taxes. However, if the organization has established exemption as a 501 (c)(3) organization, it is automatically exempt from FICA taxes unless it has specifically waived its FICA exemption.

As to Kent County Community Action Agency, specifically, the enclosed list of open cases shows an employment tax balance due from this organization in the amount of $860. This represents FICA (social security taxes). However, the organization has applied for tax exemption, as a 501(c)(3) organization, and if exemption is granted, the organization will have no liability for FICA taxes unless it chooses to waive the FICA exemption. This seems unlikely, considering that the organization is no longer active. Thus, it appears probable that some part of the taxes which have already been paid by the organization will be refundable in an amount which may exceed the liability now shown on our books.

It may be that cases, in addition to those shown on the enclosed lists, have been or are now pending in the field and, indeed, delinquencies may exist of which the field is not yet aware. As I am sure you will appreciate, this entire area is one which is very difficult to monitor, considering the many funding Federal agencies which are involved, the many thousands of organizations which are funded, the variety of programs being undertaken and, quite often, the tax unfamiliarity of the persons undertaking them.

Ever since enactment of the Economic Opportunity Act of 1964, we have been aware of the need for educating the Anti-Poverty organizations to the tax responsibilities confronting them upon receipt of a grant and institution of the program for which the grant was given. Our aim has been to prevent delinquencies, an objective which, unfortunately, we have not fully realized. In attempting to do so, however, we have been working with the Office of Economic Opportunity, the Department of Labor, the Department of Agriculture and the Department of Health, Education and Welfare. We have obtained lists of grantee organizations from these agencies with the understanding that the lists will be kept current. Our field offices have been and are now checking these lists against our own lists of persons filing Federal employment tax returns. This cross check enables us to contact those organizations not appearing on our lists and to keep a close watch for delinquencies which may arise in the future. We feel that this is a good beginning, but we are convinced that much more can be and should be done. Bearing in mind that the United States is the source of the funds with which these organizations operate, we believe that the funding Federal agencies may be in a position to assist us further in assuring that all taxes due the Federal Government are paid in full and on time. We are continuing, therefore, to work with these agencies in hopes of developing a fully coordinated program, looking toward timely payment of all tax obligations incurred by each and every grantee organization. As you suggest, delinquencies in this area should be and are of major concern to the Internal Revenue Service.

I appreciate your interest in this matter, and assure you that we will continue to watch the situation carefully.

With kind regards,
Sincerely,

_____ — _____,
Acting Commissioner.

[Enclosures]

The information given below reflects collection status as of August 18, 1969. It does not necessarily reflect the current status of the case since collections may have been effected by the field office concerned in the meantime.

Closed cases	Original delinquency liability	Outstanding balance
1. Dallas County and City of Selma Opportunity Board, Inc., City Hall, City of Selma, Selma, Ala	$1,681.30	0
2. Inner City Cultural Center, 1615 North Washington, Blvd., Los Angeles, Calif	94,697.98	0
3. Inland Area Urban League, 3792 Main St., Riverside, Calif	7,442.34	0
4. Monmouth Community Action Program, Inc., Garfield Grand Bldg., 279 Broadway, Long Beach, N.J	69,780.48	0
5. Fayette County Community Action Agency, Inc., 50 East Main St., Uniontown, Pa	$20,785.80	0
6. Interfaith-Interracial Counsel of the Clergy, 1528 Walnut St., Philadelphia, Pa	29,177.76	0
7. Neighborhood Youth Corps, New York City, N. Y	3,589,288.00	0
8. New Opportunities for Waterbury, Inc., trading as Now, Inc., 769 North Main St., Waterbury, Conn	124,930.00	0

Open cases	Original delinquency liability	Outstanding balance
1. Opportunities Industrialization Center, 1225 North Broad St., Philadelphia, Pa	$751,702.94	$28,395.25
2. O.I.C. Institute, Inc., 100 West Coulter St., Philadelphia. Pa	193,328.66	89,487.13
3. Allied Builders Union, Inc., 611 Division Ave. NE., Washington, D.C	31,387.94	9,469.85
4. Kent County Community Action Agency, Inc., Dover, Del	8,344.85	860.42
5. Business Training Center-Paterson Task Force, 367 Broadway, Paterson, N.J	1,816.36	1,816.36
6. Haryou-Act, Inc., 2092 7th Ave., New York, N.Y	(1)	(2)
7. Black Youth Movement, Inc., 43 North Main St., Waterbury, Conn	$39,142.00	$38,926.00
8. Opportunities Industrialization Center, 2947 North 3d St., Milwaukee, Wis	78,870.42	14,728.79
9. Archdiocesan Opportunity Program, 2140 East Canfield, Detroit, Mich	987,053.70	216,698.76

[1] Unknown at this time. Investigation being conducted to verify credits claimed. Earlier delinquency amounting to $208,986 has been fully paid.

[2] Unknown at this time. Investigation being conducted to verify credits claimed.

MEMORANDUM FOR SENATOR WILLIAMS OF DELAWARE

The attached draft sets forth the obligation of a recipient of a payment made pursuant to any grant, contract, agreement, loan, or other assistance made or entered into under the Economic Opportunity Act of 1964 to set aside a portion of the amounts received sufficient to satisfy the expected liability of the recipient for taxes imposed by chapter 21 (relating to Federal insurance contribution) and chapter 23 (relating to Federal unemployment tax) of the Internal Revenue Code of 1954.

Upon notice from the Secretary of the Treasury that any recipient of such a payment is deliquent in paying or, depositing (1) the taxes imposed under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such recipient under chapters 21 and 24 (relating to collection of income tax) of such Code, the Director of the Office of Economic Opportunity shall not make any further payment due the recipient and he shall make or enter into no new grant, contract, agreement, loan, or other assistance under the Economic Opportunity Act of 1964 until the Secretary of the Treasury has notified him that the recipient is no longer delinquent in paying or depositing the taxes referred to in the section or that adequate provision has been made for such payment.

The requirement set out in your proposed amendment is an addition to the "Economic Opportunity Amendments of 1969", the pending business of the Senate.

Respectfully,

A. BLAIR CROWNOVER,
Assistant Counsel.

OCTOBER 14, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I shall request a record vote on this amendment, but I am willing to proceed as expeditiously as possible.

Mr. NELSON. Mr. President, I would like to say as to this amendment that I think the objective sought by the Senator from Delaware is correct. I have not had a chance to study the language. I assume the language that is in the amendment reasonably accomplishes the objective the Senator seeks.

I understand the deputy counsel of the Office of Economic Opportunity believes the language is satisfactory but he has not had a chance to study it either.

I shall vote for the amendment. I may wish to modify my position, depending on the legal interpretation of the OEO. I do agree with what the measure seeks to do.

Mr. WILLIAMS of Delaware. I appreciate the statement of the Senator.

The amendment will be in conference and if it needs to be perfected I would want it done because there is no disagreement on the objective.

Mr. President, I have also discussed the problem with the Senator from New York. I understand that he also agrees with the objective. On that basis, I am willing to proceed to vote.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, I wish to join the Senator from Wisconsin (Mr. NELSON) in saying that I, too, shall vote for the amendment. I feel that the way the matter has been worked out is probably the way which will prove generally agreeable to the Office of Economic Opportunity.

As the Senator from Wisconsin (Mr. NELSON) has stated, we will undertake in conference to make sure the purpose is retained, without any extraneous effect. I had hoped we could dispose of the matter without a rollcall vote this afternoon in view of the position of the Senator from Wisconsin of my position. However, the Senator from Delaware feels we should have a rollcall vote and I see nothing that we can do about it. That is his right. My purpose will remain as it would have been otherwise: to do our utmost to retain in conference a provision accomplishing this result.

Mr. WILLIAMS of Delaware. Mr. President, I am satisfied with the Senator's statement. I thank the Senator from New York.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. RANDOLPH. Mr. President, we have had expressions on this issue from the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. JAVITS). As a member of the Committee on Labor and Public Welfare, I wish to commend our colleague, the senior Senator from Delaware (Mr. WILLIAMS) on the presentation of the amendment. I think it is inconceivable that there would be opposition to the proposal as it is presented here this afternoon. It is my belief that it is not only proper but necessary to incorporate into this bill the amendment of the Senator from Delaware (Mr. WILLIAMS). I agree that amendment should impress upon antipoverty agencies receiving grant funds their obligation to comply in a timely manner with requirements of our tax laws. This will be an assurance of tighter procedures.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I think the importance of the rollcall vote would be so that the agency, which has been perhaps a little dilatory in previous matters in enforcement, will know the Senate means business.

I am willing to proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), is absent on official business.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 122 Leg.]

YEAS—84

Aiken	Gurney	Murphy
Allen	Hansen	Nelson
Allott	Hart	Packwood
Anderson	Hartke	Pastore
Baker	Hatfield	Pearson
Bayh	Holland	Pell
Bellmon	Hollings	Prouty
Bennett	Hruska	Proxmire
Bible	Hughes	Randolph
Boggs	Inouye	Ribicoff
Burdick	Jackson	Russell
Byrd, Va.	Javits	Saxbe
Byrd, W. Va.	Jordan, N.C.	Schweiker
Cannon	Jordan, Idaho	Scott
Case	Kennedy	Smith, Maine
Cooper	Long	Sparkman
Cotton	Magnuson	Spong
Cranston	Mathias	Stennis
Curtis	McClellan	Symington
Dominick	McGee	Talmadge
Ellender	McGovern	Thurmond
Ervin	McIntyre	Tower
Fannin	Metcalf	Tydings
Fong	Miller	Williams, N.J.
Goldwater	Mondale	Williams, Del.
Gore	Montoya	Yarborough
Gravel	Moss	Young, N. Dak.
Griffin	Mundt	Young, Ohio

NAYS—0

NOT VOTING—16

Brooke	Eastland	Muskie
Church	Fulbright	Percy
Cook	Goodell	Smith, Ill.
Dodd	Harris	Stevens
Dole	Mansfield	
Eagleton	McCarthy	

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. GOLDWATER. Mr. President, on behalf of my senior colleague from Arizona (Mr. FANNIN) and myself, I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 5, between lines 18 and 19, insert a new subsection as follows:

"(d) Notwithstanding any other provision of this Act or any other provision of law, none of the amounts appropriated pursuant to the section for the fiscal year ending June 30, 1970, and the fiscal year ending June 30, 1971, and none of the amounts appropriated pursuant to any other provision of law for any fiscal year prior to the fiscal year ending June 30, 1970, shall be expended on or after the date of enactment of this Act for use in carrying out the Legal Services program described in section 222(a)(3) on the Navajo Indian Reservation or on behalf of the Navajo people, unless the use of such amounts for such purposes is specifically

approved by a resolution duly passed by the Advisory Committee of the Navajo Tribal Council for each such fiscal year, respectively."

Mr. GOLDWATER. Mr. President, I shall try to be as brief as I can with this presentation, and I would appreciate the attention of Senators, because this is a very, very peculiar situation. Some might argue that the passage of the Murphy amendment, which gave the Governors the right to veto, would take care of this situation. It will not, because the Navajo Reservation actually lies in three States. Most of it is in Arizona; part of it is in New Mexico; and a small part of it is in Utah.

The amendment is not complex. It is offered to carry out the express wishes of the Navajo Indian Tribal Government and to prevent the Office of Economic Opportunity from riding roughshod over the rights of the individual Navajo Indians and the sovereignty of the Navajo nation.

This situation is a very peculiar one. At this point I would like to mention a few of the unusual features of the reservation situation. They have their own democratically elected self-government. The laws of the State of Arizona do not apply. They pay no State taxes or Federal taxes or sales taxes, nor can the Governor impose them. My colleague, Senator FANNIN, was Governor when this matter was tested. They have their own police force, their own courts, and operate under their own laws. What they are asking, in effect, is to have some say in the operation of this program.

Mr. President, my amendment simply says that none of the funds appropriated to OEO can be spent hereafter for the operation of the legal services program on the Navajo Reservation unless the program has the approval of the Navajo Indians themselves.

There should not be any need for this amendment. It amazes me that it is necessary to add a requirement into the law in order to bind OEO to live by the letter and spirit of the existing law.

But, the agency has it in its head to jam a ridiculously high funded legal services project down the throats of the Navajo people whether they want it or not. And, I can tell you that they do not want it. Nor do the people living adjacent to the reservation want it.

Permit me to review the history of this bizarre situation which is serving to accomplish nothing but the division of the Navajo people into separate camps.

In April of 1965, the advisory committee of the Navajo Tribal Council passed a resolution creating the Office of Navajo Economic Opportunity. This organization was to be responsible to the Advisory Committee and was established for the purpose of administering the OEO community action programs for the Navajo Tribe.

Many of the programs implemented by ONEO have been of lasting benefit to people on the reservation, who have been encouraged to strive toward self-sufficiency and to become employable.

But, difficulties arose quickly with one component of the ONEO program. In October of 1967—a little after a year from the time that the legal aid program was approved for the reservation—problems began cropping up with DNA, Inc., the delegate agency for these services. For 3 months relations between the Navajo Office and DNA were so strained that the two were unable to agree to a new contract.

The matter was settled temporarily in January of 1968 when the contract was renewed. By June of 1968, however, conditions had reached storm proportions again. On June 28 of last year, the advisory committee of the Navajo Tribal Council voted its disapproval of the manner in which the legal services program was being handled by DNA under the direction of Mr. Theodore R. Mitchell. In fact, the advisory committee actually demanded the removal of Mr. Mitchell from his post.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. KENNEDY. Did the matter that was being considered at that time refer to the question of the water rights of the tribe itself?

Mr. GOLDWATER. No; that did not enter into it, although Mr. Mitchell at times tried to swing the tribe on it. Of course, this is of great concern to the water rights of the Lower Colorado River Basin. I must say the Indian rights in the basic contract have been recognized as being primary, above all other rights. The rights we are talking about are involved in the 50,000 acre-feet allotted to Arizona. Some of the works have been built. Others are in process of being built to enable the Navajos to utilize a portion of the 50,000 acre-feet.

Mr. KENNEDY. Could the Senator enlighten Members of the Senate with respect to the matter that brought about the dispute between the legal services office and the Navajo Tribe, and also the tribal attorneys? Would the Senator enlighten us about that conflict, or was he planning to do so?

Mr. GOLDWATER. I am planning to do so, but I can say that, very basically, these people have their own government, elected under democratic processes. They have law and order on the reservation. Having complete control of what goes on with respect to contracts for gas and oil, contracts for trading purposes, and so forth, they feel they should not be circumvented in this matter. In other words, the pending amendment merely recognizes and says that at the time when the tribal council votes to have the DNA on the reservation under its control, they have no objection to it. In fact, before the DNA came on the reservation, the tribe had its own legal program.

I think they were spending something like $100,000, as far as we can find out. That has been expanded now to $1.1 million under the OEO, which is over twice as much as the State of Arizona is spending on 1,600,000 people. We are talking about 100,000 Navajos in my State.

I think I can answer the Senator's question as I go along. If I do not, do not hesitate to ask.

By August, when the Navajos saw that this man Mitchell was not going to leave on his own, the advisory committee permanently excluded him from all Navajo lands for his personal obnoxious conduct before the tribal council.

Following his exclusion, Mitchell, who was still running the legal services program—ostensibly to assist the Navajo community—brought a lawsuit against the chief executive officer of the Navajo Tribe in which he challenged the right of the Navajos to evict a non-Navajo from the reservation. Taking advantage of civil rights principles, he succeeded in obtaining a court order forcing himself back onto the Navajo Reservation.

Under these circumstances, which were but the culmination of many earlier acts of adventurism and agitation by the staff of DNA, the advisory committee of the Navajo Tribal Council directed the chairman of the tribe to refuse to accept the grant of funds offered by OEO for the operation of the OEO legal services program in the Navajo Reservation for the 1969 fiscal year. The advisory committee further directed the Office of Navajo Economic Opportunity to refuse Federal funds to continue the operation of DNA and to return the grant offer to OEO. This resolution was approved by a vote of 12 to 1 on March 13 of this year.

The action failed to stir OEO, however. Regardless of the mandate given to OEO to extend financial assistance only for community action projects which are approved by the duly designated community action agency—in this case the advisory committee of the Navajo Tribal Council acting through the Office of Navajo Economic Opportunity—OEO has decided to pass over the Navajo agencies and fund DNA directly for the performance of the legal services program.

Such an incredible action is nothing short of a major affront to the governing bodies of the Navajo Nation. It is tantamount to the direct interference by the Government of the United States with the government of the Navajo Indian Tribe in a matter that involves the sovereignty of the Navajos over operations within the boundaries of their own reservation.

Mr. President, to illustrate by another point why this is a most unusual situation, the Navajo Indian Reservation does not operate directly under the Bureau of Indian Affairs. This tribe constitutes a little more than 25 percent of all the Indians who come under the jurisdiction of the United States. Its reservation is so vast and encompasses so great an area that there has been established a subbureau at Gallup, N. Mex., which operates for this tribe individually, and no other reservation comes under its jurisdiction.

On October 1, by a unanimous vote of 15 in favor and none opposed, the Navajo advisory committee strongly condemned the OEO action as "a direct rebuff of the wishes of the Navajo Tribal Council and a circumvention of the sovereign powers of the Navajo Tribe." In addition, the resolution caustically noted:

Such action is in direct opposition to the express policy of the President of the United States and the Secretary of the Interior that tribal governments be granted more responsibility in handling their own affairs.

In these circumstances—where the Navajo Tribe itself has repeatedly determined that the continuation of DNA as the unit operating the OEO legal services program "is not in the best interests of the Navajo people"—I find it to be remarkable that OEO is acting in complete disregard of the wishes of the Navajo tribal government.

I might add, Mr. President, that the entire Arizona delegation backs up the Navajo tribal government in this matter. We are unanimous, both Democrats and Republicans, that this is an affront to the dignity of the Navajo. It is an affront to everything we are trying to do for the Indians in our part of the country who still live on the reservation.

If this is what is happening in regard to OEO programs, I think it is entirely uncalled for and that a check must be put on it by Congress. On top of this outrageous situation in which OEO is ignoring the democratically selected political authorities on the Indian reservation, the amount of money allocated to DNA for the fiscal year is ridiculous. OEO wants to spend $1.1 million to handle the legal aid program for 120,000 Navajos.

As I mentioned earlier, the State of Arizona spends less than $500,000 to take care of the legal problems of 1.6 million people.

No wonder DNA is putting its hand into every conceivable kind of venture. No wonder that it has been stirring up individual Navajos and injuring relations with non-Navajos such as the reservation traders and residents who live near the reservation.

One incident occurred only last month when the annual ceremonial dances were conducted at Gallup, N. Mex., by the Intertribal Indian Ceremonial Association. DNA, supposedly the legal aid service for indigent Navajos, is bringing suit against the ceremonial on behalf of a group of young men who were distributing a hate sheet labeled "When Our Grandfathers Had Guns." I think that this incident is a typical example of some of the unseemly ways that this group has put its nose into cases which rise far afield from its proper duty of aiding the poor on the reservation.

Mr. President, all my amendment will do is to require that before any more money is spent by OEO for the legal services program on the Navajo Reservation that it shall be approved by the community action group operating under the governing body of the Navajos.

The amendment will not cause any reduction in the amounts authorized in the committee-reported bill.

The amendment will permit the appropriation of the full amounts authorized in the committee bill.

The amendment will not affect the operation of any program in any community or State other than this one alone.

All it does is to prevent the expenditure of moneys for a program on the Navajo Reservation unless this program has the consent of the Navajo people.

This will simply require that OEO lives up to the express rules set forth in subchapter II and part B of the Economic Opportunity Act of 1964, which creates the community action and related programs, and which, I remind my colleagues, was further strengthened this afternoon by the tabling action on the amendment of the Senator from California (Mr. MURPHY).

The Navajo tribal government, acting through ONEO, has been officially designated as the community action agency for the Navajo people. This was done in accordance with the provisions of section 104 of subchapter II.

The Navajo office is thereby made the legitimate body through which OEO projects must be administered on the reservation, and I cannot see why anyone would object to making OEO use it.

Mr. President, there has been much talk in this Chamber at various times this year about the concern that the American Indian should be allowed and encouraged to control his own destiny. I am giving the Senate a chance to put this concept to the test. If my amendment is approved, we will have demonstrated to the Navajo citizens that we are willing to respect the decisions made by their democratically chosen leaders as to what is in the best interests of the Navajo Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions adopted by the advisory committee of the Navajo Tribal Council in protest of the operations of DNA.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE NAVAJO TRIBE,
Window Rock, Ariz., March 13, 1969.

DIRECTOR,
OEO Legal Services Program,
Washington, D.C.

DEAR SIR: Enclosed is a copy of a resolution adopted today by the Advisory Committee of the Navajo Tribal Council.

As you will see the Advisory Committee has determined that the continuation of DNA, Inc. as the organization operating the OEO Legal Services Program in the Navajo Nation is not in the best interests of the Navajo people. Therefore, the Advisory Committee has instructed me to refuse to accept your grant of funds for DNA's operation in 1968–69, and to return the grant offer to you.

In accordance with these instructions, I hereby refuse your grant and return the Grant Offer papers to you.

Yours truly,

RAYMOND NAKAI,
Chairman, Navajo Tribal Council.

PROPOSED RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL, DIRECTING THE CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL TO REFUSE OEO REFUNDING OF DNA, INC.

Whereas:

1. The Advisory Committee of the Navajo Tribal Council, on April 7, 1965, established the Office of Navajo Economic Opportunity (10 NTC 701) for the purpose of insuring that the full benefits of the Economic Opportunity Act of 1964 "shall accrue to the Navajo people," with the full cooperation of all divisions, committees and individuals of the Navajo Tribal Government, and

2. The Advisory Committee has been authorized by the Navajo Tribal Council to approve general policies, plans of operation, and programs which are beneficial to the Navajo Tribe and Navajo people under titles I–VI of the Economic Opportunity Act of 1964 (6 NTC 7), and

3. On June 28, 1968, the Advisory Committee (ACJN–119–68) expressed its disapproval of the manner in which the Legal Services Program of ONEO was being handled by the delegate agency, DNA, Inc., under the direction of one Theodore R. Mitchell. The Advisory Committee further demanded the removal of Mr. Mitchell from his position as Director of DNA, and

4. On July 17, 1968, the Navajo Tribal Council (CJY–88–68) authorized and directed ONEO to submit the Legal Services Program refunding application to the Office of Economic Opportunity in Washington, D.C., and further directed the Executive Board of ONEO "to continue to conduct and administer all community action programs on the Navajo Reservation in accordance with the guideline of the Office of Economic Opportunity and the wishes of the Navajo people," but took no action concerning the position of Mr. Mitchell as Director of DNA, and

5. On August 8, 1968, the Advisory Committee permanently excluded Mr. Mitchell from all lands of the Navajo Tribe for his personal obnoxious conduct before the Advisory Committee, and

6. Following his exclusion, Mr. Mitchell brought a lawsuit against the Chairman of the Navajo Tribal Council in Federal Court, in which he challenged the right of the Navajo Tribe, under the Treaty of 1868, to evict non-Navajos from the private property of the Navajo Tribe, and

7. As a result of this lawsuit, the sovereignty of the Navajo Tribe, and the absolute right of the Navajo people to be secure from outsiders on their reservation, has been placed in jeopardy, and

8. This lawsuit has injured not only the Navajo Tribe, but every individual Navajo, and

9. Under these circumstances, it is the opinion of the Advisory Committee that DNA is not operating in the best interests of the Navajo people.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council, in its capacity as the supervisory body over all economic development projects for the Navajo people, hereby authorizes and directs the Chairman of the Navajo Tribal Council, as Chief Executive officer of the Navajo Tribe and as Chairman of the Executive Board of the Office of Navajo Economic Opportunity, to refuse to accept the grant of funds offered by the Office of Economic Opportunity for the operation of the OEO Legal Services Program in the Navajo Nation for the program year 1968–1969.

2. The Executive Director of the Office of Navajo Economic Opportunity is hereby authorized and directed to cooperate with the Chairman of the Navajo Tribal Council in refusing federal funds to continue the operation of DNA, and in returning the grant offer to OEO in Washington.

3. The Chairman of the Navajo Tribal Council is further authorized and directed to seek a new organization to conduct OEO legal services for the Navajo people, and to submit such organization and its program to the Advisory Committee for approval. This new organization shall provide for a governing board to be composed of ⅓ elected officials of the Navajo Tribe, ⅓ representatives of the Navajo people selected at large, and the remainder to be members of major groups in the Navajo community, such as the Public Health Service, the Bureau of Indian Affairs, the Courts of the Navajo Tribe, the Navajo Police Department and local lawyers.

4. The Chairman of the Navajo Tribal Council is further authorized and directed

to take any and all steps he deems necessary to carry out the intent of this resolution, and the Executive Director of ONEO is authorized and directed to cooperate with the Chairman in such efforts.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council,
Presiding Chairman.

RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL

Whereas:

1. The Office of Economic Opportunity has deemed it advisable to fund directly to DNA, Inc., for the performance of legal aid service on the Navajo Reservation, and

2. The Navajo Tribal Council, by Resolution CAP–28–69, has requested that such funding of legal aid service be through the Navajo Tribal Council to the Office of Navajo Economic Opportunity, and

3. The advisory committee of the Navajo Tribal Council deems the action of the Office of Economic Opportunity a direct rebuff of the wishes of the Navajo Tribal Council, and a circumvention of the sovereign powers of the Navajo Tribe, and

4. Such action is in direct opposition to the express policy of the President of the United States, Mr. Nixon, and the Secretary of the Interior, Mr. Hickle, that tribal governments be granted more responsibility in handling their own affairs.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council hereby respectfully request a meeting with Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, for the purpose of reviewing the Office of Economic Opportunity's direct funding of DNA, Inc., thus disregarding the express wishes of the Navajo Tribal Government, and the expressed policy of the President of the United States and the Secretary of the Interior.

2. The Advisory Committee further instructs the legal department of the Navajo Tribe to make the necessary arrangements for a meeting of a subcommittee of the advisory committee with Mr. Rumsfeld in Washington, D.C.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council.

Mr. GOLDWATER. I hope, Mr. President, that the chairman will accept the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. One of the difficulties we have in dealing with the pending amendment is that hearings have not been held on it. I have checked, however, as quickly and closely as I could with the OEO legal services office, and they have advised me that this particular program has been the subject of a thorough analysis by the OEO legal services branch, and that a few months ago, the program was refunded through August of 1970, and thus the program is in operation. The OEO administration, under the present Director, has reviewed it, has listened to all the arguments pro and con, and has issued a contract to the present DNA board and to the attorneys whom they hire.

Would the amendment which the Senator from Arizona proposes abrogate that contract, or what would be its purpose?

Mr. GOLDWATER. It is my understanding—and I talked with the Director last week—that this contract has not been settled, that there are no funds in effect for it.

As I mentioned earlier, the mere amount of the money requested for this item, $1,100,000, is ridiculous.

The Tribal Council are still of the opinion that they do not want a contract entered into that they have had no opportunity to discuss. The whole thrust of my amendment is to give these people the right to determine whether or not they want it.

Mr. MONDALE. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. MONDALE. I think this illustrates the difficulty of dealing with an amendment such as this, that has not been heard or discussed. Our information, obtained 10 minutes ago, is that the contract was let to the DNA board some weeks ago. It has been funded through August 1970. If that is true, it would be my opinion that the amendment now pending would abrogate that contract.

Also, if my information is correct, I think it would lead reasonably to the position that the OEO office and its Director had reviewed all the conflicting arguments and determined that the DNA board should be refunded and that they should have the independence they were granted under that contract through August 1970.

Apparently the Senator from Arizona has different information. It would be very difficult for the Senate to act when it cannot resolve a question like that.

Mr. GOLDWATER. Mr. President, I have tried to call the attention of the Senate to the fact that this is a most unusual situation. We have roughly 120,000 people involved, 100,000 of whom live in Arizona. I am not talking about those living in New Mexico or elsewhere. I am merely talking about Arizona. These people would like to have their say on what goes on on the reservation.

It is necessary to have tribal permission to do business on the reservation. It is necessary to have tribal permission to construct anything on the reservation. They have their own police force. They have their own schools. They are now experimenting with their own schools. They have a junior college. They are conducting experiments in things that will make them even more self-sufficient.

The surprising thing to me is that people are opposed to making the Indians more dependent upon themselves. This is what this tribe is trying to do. I am amazed that people should oppose this measure. Frankly, I do not care what the review board says about it. They have not reviewed this with the people who are concerned with it, the Navajo people.

If they had reviewed it with them, they would have found that the program is not wanted. In fact, I was told over a month ago by OEO that the chairman of DNA, Mr. Mitchell, was being removed.

The Senator might be interested in some of the reasons why they oppose an outside group coming in to handle legal matters which they feel they were handling adequately before.

Mr. Mitchell got all mixed up in a school board vote. There was certainly nothing legal about that. He has threatened from time to time to upset a very delicate relationship between the tribal council and the Upper and Lower Colorado Basin.

At the last intratribal celebration in Gallup, N. Mex., which has been going on for 50 years, some literature in very bad taste was distributed by militants who are now suing the ceremonial through DNA.

This organization is now trying to incite the young Navajos into committing actions similar to that which we see around the country.

I ask unanimous consent that a copy of the paper to which I have referred that was distributed on the streets in Gallup be printed at this point in the RECORD.

There being no objection, the paper was ordered printed in the RECORD, as follows:

WHEN OUR GRANDFATHERS CARRIED GUNS

When our grandfathers carried guns, they were free and they were people. The Anglos had to reckon with them and the Anglos were careful not to anger our People. Our grandfathers stood up for what they felt was right and they condemned what they knew was wrong. If we the Indians of today were like our grandfathers, we would not allow this Ceremonial to be held year after year in this manner and at this place.

The Ceremonial does not give a true picture of the Indian. Just because Indians sing and dance for you, that does not mean that they are happy. The City of Gallup calls the Ceremonial "A Tribute to the American Indian." Do not believe it. At the night performances, you will hear what a proud and happy people we are. Do not believe that either. Do not think that The City of Gallup respects the Indian because it gives them a free barbeque.

Do not let the Ceremonial let you forget that Indians have the highest unemployment rate in the country, the highest infant mortality rate in the country, the lowest average income of any group in the United States, the highest suicide rate in the country, the highest dropout rate in the U.S., and don't forget that many of the Indians you see are suffering from malnutrition. You will see many drunk Indians. Ask yourself why you see so many. Is it because they are happy and proud?

You should also ask yourself why the Ceremonial is held to benefit the City of Gallup, N.M. Ask yourself why Indians are not in charge of the Ceremonial. Ask yourself why the Ceremonial is not moved to an Indian reservation; since there are so many of them in the area. If you are brave enough to see what the City of Gallup thinks of the Indian, find out where the Gallup Indian Community Center is located and see it for yourself. Note that it is dirty and in need of repair. In a study made of the economy of Gallup last summer it was learned that about 72% of the business was carried on with Indians as customers. It was also learned that the merchants of Gallup contribute very little to the Indian Center.

Gallup provides little in the way of public services to the Indian. The City policeman are seen many times savagely beating helpless drunk Indians. But Gallup continues to call itself the "Indian Capital of the World." Recently Gallup decided it needed a flag. Most of the entries so far make use of Indian designs and figures and most are designed by non-Indians. The Ceremonial is only one example of how Gallup capitalizes on the Indians.

You will see many Indians at the Ceremonial and you will ask, "Why don't they protest?"

The answer is that we have learned that it is useless to ask for better things and so we settle for what we are given.

As you look at the drunk Indians and as the Indians dance and sing for you and as you hear what a happy people they are, say to yourself: "They were people . . . when their grandfathers had guns."

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. KENNEDY. Mr. President, perhaps the Senator could enlighten us a bit on this matter so far as the organization of legal services on the Navajo Reservation is concerned.

As I understand it, a contract is let through a DNA board which is comprised of Indians. Is that correct?

Mr. GOLDWATER. No, that is not exactly correct.

The Tribal Council has authorized the advisory committee of the tribe to work through the Navajo Economic Office in making these contracts. The ONEO in turn has always entered into the contract with DNA, which is a private corporation. ONEO has not made a new contract as yet.

Mr. KENNEDY. Are there not 10 elected Indians on the DNA board?

Mr. GOLDWATER. The Senator is correct. There are some.

Mr. KENNEDY. Are they not the contracting agency for the legal services provisions?

Mr. GOLDWATER. The advisory committee of the Navajo Council has been delegated the complete say-so. And the advisory committee of the Navajo Tribal Council is entirely made up of duly elected Indians.

The board of directors of DNA, unless the situation has changed since I have been there, is made up both of Indians and not non-Indians.

Mr. KENNEDY. The Indians evidently are the ones who desire the legal services provisions that are contracted for. Is that correct?

Mr. GOLDWATER. No. Elected representatives of the Navajos do not want these services to be provided by DNA. The community action agency of the Navajos does not want DNA to handle this program. They are objecting to OEO going around them, so to speak, and establishing on the reservation legal services over which the Navajo governmental agencies have no control. That is in essence the whole thing.

Mr. KENNEDY. Mr. President, the question is whether the tribal council has a right to veto these provisions. Certainly, as I understand it, the DNA board, which consists of the Navajos elected from across the reservation and others whom they select including seven members of the tribal council, believe that the legal services are necessary and useful and that DNA has been instrumental, in raising important questions about the water rights of the Navajo Tribe, the highly questionable practices that have been alleged to exist among the trading post operators, and may other serious problems confronting the Navajo Tribe.

They have been extremely active, as I understand it, in trying to serve as an ombudsman, so to speak, for the Navajo people. I understand that DNA has provided legal counsel for over 11,000 Navajo clients since its inception.

I think that it is misrepresentation to suggest that we have a legal services program here that is operated on the Navajo Reservation with virtually no Indian support or interest in the kind of services provided.

I think it is quite clear that the legal services have served an extremely important function and purpose and do have broad support among the Navajo Indians themselves.

They have raised many different kinds of questions which have been overlooked for far too long and simply swept under the rug. I think we are oversimplifying the matter by saying that the matter before the Senate is whether we will give autonomy to the Indian tribes.

I ask whether we have had any complaints among other Indian tribes that the Senator is familiar with. I ask this with a great deal of respect because of the Senator's background and knowledge of Indian tribes. I know that the Senator has a very deep interest in the matter.

Does the Senator know of other situations similar to the one existing in the Navajo Tribe, or is that a special situation? Are we trying to suggest special legislation to meet this Navajo situation, or will we have amendments offered with respect to all other Indian tribes with legal services programs?

If so, should we not have the benefit of the head of the legal services who could come before the Judiciary Committee or the Committee on Labor and Public Welfare and talk about these charges and allegations?

There have been no public hearings to date on this matter.

It seems to me that we are skating on very thin ice.

Mr. GOLDWATER. Mr. President, I am rather amazed to hear my friend, the Senator from Massachusetts, speak against the democratic process. However, to try to answer some of his questions, the advisory commission of the Navajo Tribe voted the first of this month 15 to nothing that they did not want the legal services on the reservation without some agency of the tribe having some say about it. This is the way the OEO projects have been administered every year up to the present moment.

I do not know where the Senator gets his information. I happen to know a little about the Navajos. I have lived with them. I was a licensed Indian trader for 25 years. I can tell the Senator that one does not get away with anything on that reservation. Traders are policed. People are watched when they come there.

I wish that we had as good law and order in the non-Indian courts of our country.

The DNA is a separate private body. All the tribal council is asking is that we continue to allow some unit of the Navajo Tribe play a role in the conduct of OEO programs on the reservation. The tribal council operates, we might say, outside the usual principles of law. Neither the Federal nor the State Government can tax them. As I have mentioned many times, they have their own democratically elected government. And they are just as susceptible to election appeals as we are. They are elected to office.

If people in their district think that some Indian trader is on the wrong side of the fence and the council is doing nothing about it, that man does not get reelected.

I have attended many of their tribal meetings. They conduct themselves as well as does this body. They do not permit any actions on the reservations that would be detrimental to the Indians themselves.

All I am asking here is for this body to be consistent with the new movement toward giving these Indians more autonomy.

I might answer my friend the Senator from Massachusetts by saying that this is an unusual tribe. It is 25 percent of all the Indians. I think there is a problem like this on the Papago Reservation in southern Arizona, but I am not certain. I think I read something about it in the newspapers, but I am not absolutely certain.

This is also a very wealthy tribe, so far as tribal resources and tribal funds go. They have a $10 million educational fund. They have now graduated two doctors, and they have five more coming up this year, with 50 seeking their master's. I think it is safe to say that approximately 1,000 Navajos will receive their basic degrees this year.

These people are very proud. They have great dignity, They are a semi-nomadic people who have not yet learned to live in towns. We hope they will some day.

So far as legal services go, there was no demand for this OEO project from the people. The people always had free legal services from the tribe itself. I think they spent approximately $100,000 a year.

Mr. KENNEDY. Could the Senator tell me how many individual Navajo have been represented by DNA? Have they been providing service to any individual members of the tribe?

Mr. GOLDWATER. Yes. I cannot cite the number, because I do not know.

Mr. KENNEDY. I understand it is about 11,000, which is the information I have been given.

Could the Senator envision a situation in which the interests of individual Navajos might not be in conflict or run contrary to the interests of the tribal government?

Mr. GOLDWATER. I might say that we have people in this country who do not feel that their interests run parallel with our interests, and under the democratic processes we do not have to be reelected, and, they do not have to be, either. I have talked with Navajos who like the program. I have talked with Navajos who do not like the program. But all of them feel that the tribal government, being their government, should have the last word on what goes on on that reservation.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. FANNIN. I commend the distinguished Senator from my State of Arizona for the great interest he has given our Indian people. He is recognized as one of the most knowledgeable men in this Nation so far as Indian affairs are concerned.

I would like to answer the distinguished Senator from Massachusetts, if I may have his attention.

Mr. KENNEDY. Yes.

Mr. FANNIN. I certainly appreciate the interest that the Senator from Massachusetts has in the Indian people, and I commend him for the work that is involved in their activities.

But I think that what we are talking about in this amendment is simply to bring an understanding out of confusion. For the past couple of years we have had a great deal of confusion. We have had quarrels; misunderstandings have been very unpleasant. I have attended meetings at which these expressions of dissatisfaction have been voiced.

It is certainly not proper for the Navajo Indians not to understand whether they are working with the BIA, the OEO, or just what is going on, because the right hand does not know what the left hand is doing. I have been on the reservation when the leaders have discussed this problem with me and have asked me what can be done. It is only their desire to try to expend this legal services money properly, if it is needed—and certainly it is needed—in a way that would do the most good and be of greatest benefit to the people.

The Senator has inquired as to how many cases they have handled. This depends on what is called a case. I have previously explained how many cases may come up in one night, when a group has gone to a party and there are eight, 10, or 12 cases to be settled the next morning. I think the Senator understands what would be involved.

We are not talking about just how many cases are handled. I think it is a question of whether or not these people, who want to have jurisdiction, and who certainly are entitled to that jurisdiction, should be given the opportunity to carry on their own affairs. Here we are expending money through the BIA and other agencies to get them to assume responsibility, and now we put a barrier in their paths.

I commend the distinguished Senator from Arizona for offering this amendment, because it is a needed clarifying amendment. All it will do is make possible greater accomplishments and bring about greater understanding between the tribe and the government.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. NELSON. Has this amendment been submitted to Mr. Rumsfeld, and do we have any comment from the OEO Director on it?

Mr. GOLDWATER. Frankly, I did not expect this bill to be called up this week. It was not until yesterday, when I returned from a trip, that I found out it was to be the order of business today.

I have discussed this matter at great length with Mr. Rumsfeld, as has the entire Arizona delegation—Democrat and Republican. I feel rather certain that he would approve of this, although we can take it and find out how he feels about it in conference, if that is necessary.

I might say that if a contract has been signed by DNA, I have strong doubts that it is legal. The Economic Opportunity Act requires coordination between the legal services program and the other community action programs. There is no coordination or cooperation here.

The Navajo community action agency has rejected the contract with DNA and returned the papers to OEO.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. In conferring with Mr. Leach of the OEO services program, I am informed that a grant has been signed and has been funded through September 1970. So that this amendment, if it is adopted, would in effect abrogate an existing contract.

The OEO legal services program, the OEO Legal Director has sifted through the debate we are talking about, and have decided that the DNA board should be funded if the impoverished Indians of the Navajo are going to have legal counsel to represent them in the cases that they have. Therefore, one wonders whether this amendment can legally affect an existing contract. As I understand constitutional law, certain rights cannot be abrogated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The Senate will be in order.

Mr. MONDALE. Certain contractual rights cannot be abrogated retroactively in this fashion.

Second, may I say this: We have heard much about the validity of duly-elected representatives in the local government. I think all of us agree with elected local government. But the point is that with the Navajo, the Tribal Council is city hall. This would be the first legal service in the country where city hall controlled the legal services program, which, among other things, from time to time, would have to sue city hall or the State government or other government.

This is not just a detail. This is a fundamental principle which, if adopted, and expanded to other legal services would destroy the whole independence of the OEO legal services program. Indeed, it raises a conflict of interest, as the American Bar Association points out. These lawyers are supposed to be representing their clients. If they have to serve city hall as well as the impoverished people on the reservation, which master do they serve?

This is not just any amendment. This is a serious amendment which establishes a principle which, if spread throughout the OEO legal services program, will destroy it.

Mr. GOLDWATER. I am glad the Senator puts so much faith in the ABA decision. I hope he will be able to hold that same faith when the Haynsworth nomination comes before us.

Mr. MONDALE. I feel very strongly about the ABA ethics.

Mr. GOLDWATER. If a contract has been signed, it has not been signed with the Navajo government or the Navajo community action body. It has been signed by the United States directly with a private corporation. I believe this is against the economic opportunity law.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. We have checked further on that. The OEO legal services program on the Navajo Reservation is controlled and conducted by what is called a DNA board. That board is elected by the Navajos on the reservation, not picked by "city hall," as is the advisory council, but elected by the Navajos on the reservation. The board consists of 10 Indians elected by the Navajos. They, in turn, pick other members of the board and select the lawyers and the staff which represent them. That is the DNA board. It is this board which has been selected by the Director of OEO, Mr. Rumsfeld, and which has been funded to provide legal services for the impoverished Navajos through September 1970.

Mr. GOLDWATER. Mr. President, again, I am mystified by some of the statements being made. The DNA has always contracted with the Navajo economic office in the past. My amendment would restore the original situation. ONEO is not city hall. It is the community action agency of the Navajo Nation. I want to get back to the basic principle involved.

Are we going to deny an Indian government the same right we have just given the States; namely, the right to veto the legal program or any other program that comes on the reservation? This is not a complicated amendment. I think it falls within the bounds of what we all should believe in. I shall not raise the arguments that have already been raised again and again that these young lawyers on the reservations have not been confining themselves to legal services. They have disrupted the relationship between Utah, New Mexico, and Arizona in the field of water. They have threatened to take to court the tribal ceremonials that have been going on for 50 years. They have incited trouble on the reservation. I told Mr. Rumsfeld that in the interest of safety he should remove these people, for that reason, if for no other reason.

We have given the States the right of veto. Why not give it to an Indian tribe whose reservation covers more area than some of our States?

The tribe basically is not opposed to these people coming on the reservation. They want some control over who they are and where they go.

I hope the committee accepts the amendment.

Mr. President, to me the amendment makes commonsense. Frankly, I am amazed at people who classify themselves as liberal being opposed to extending the same rights to the tribal government that we insist on.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. This is one of the most basic principles in the entire OEO program. There is no reason to be confused about it. The reason is that if we are going to have lawyers who serve the legal interests of the poor and who are able to do so not only in individual lawsuits but in a law reform sense, they have to be free to sue city hall as well as others. This is the same principle we have in any community where there is an OEO program. The only difference is that with the Navajo, city hall is the tribal council.

In this case, to have an independent lawyer capable of suing on behalf of the impoverished on the reservation, a new board was created by the people. The Indians hire their lawyers and decide what lawsuits will be brought against other Indians, and sue city hall from time to time, which is why I think this amendment is pending.

This is not a simple matter. Running all through the OEO legal services program, through the Governor's veto, through the manipulation of funds, there are attempts to make it appear that the poor have legal representation, when in fact that representation is compromised and restricted. It is like going to a major corporation and saying, "You have legal counsel and he may bring the lawsuits I say he may bring."

Let us say they are lawyers for the poor, let us not require that the suits which are brought must be approved by city hall, because if that is the principle—and that is the principle in this amendment—there is no OEO legal services program left that is worthy of the name.

In addition, I cannot understand how this amendment would deal with the fact that the DNA program has already been funded through November 1970.

Mr. GOLDWATER. Under the language of the act I think it is illegal and the question of the legality will be tested in court. The DNA is only a private group of Indians and non-Indians partially appointed and partially elected. We have a State organization comparable to this making an effort to develop resources on the reservations for the Indians. But the language of the act itself calls for community interest. I quote from the subchapter for the purpose of this discussion:

> A tribal government of an Indian reservation shall be deemed to be a political subdivision of a State.

This language means that the tribal council or a subdivision of it can act as the community action agency of the Navajo people for purposes of the Economic Opportunity law.

It has acted under this provision of law and has created a Navajo office of economic opportunity to administer and implement OEO programs. I believe this group should continue to participate in contracts for legal services as they always have up to now.

Turning to the matter of past legal services, I contest strongly the suggestion they have not been receiving legal services. Legal services have always been available. One who has not been on the reservation would find it difficult to understand.

If we do not agree to this amendment we are not complying with the law. All I am asking is that we go back to the original intent of the law and allow the Indian tribal government to make the judgment just as we are allowing the Governor of any State to make this judgment. The Indians are asking for what we give the white man.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. There is a third distinction. In the Murphy amendment we do not give the Governor the power to run a program. We give him more power than I wish he had but all we give him is the power to delete certain funds. Certain powers run from that.

The thing which is unique about the amendment of the Senator from Arizona is that it would make the first city hall-run-OEO legal services program in the country.

It would be run by city hall and the Navajo tribe. The reason there is an alternative DNA Indian board running the legal services program is that if there is going to be a legal program with integrity, one free to bring the kind of lawsuits the poor need to have brought, it must be independent from them.

For example, one of the issues now before the legal services program is whether a lawsuit should be brought for certain water rights of Navajos which may be of vital importance to the future of that locality. The officials of the tribe disagree. What is wrong with letting the Indians bring suit in court to determine who owns that water and under what circumstances?

It seems to me that under this entire national controversy, malaise and frustration, those of us representing the establishment are pleading to the poor to get out of the streets, to quit resorting to violence, and to use the institutions provided for them to get fair and equal power. But everyone knows that if the normal processes of justice are to be available to us but not to the poor because they cannot afford a lawyer, or worse, because the lawyer they have really works for city hall, then we make a mockery of our system of justice.

As to the "city hall" amendment proposed by the Senator from Arizona (Mr. GOLDWATER), first I do not know how it can work with a funded program and, second, it would be the first of its kind in the Nation and would be a principle which, if it extends nationwide, would destroy and corrupt the OEO legal services program.

Mr. GOLDWATER. The Senator is not talking to the point of the amendment. He keeps talking about city hall. This is not city hall. This is a tribal government elected democratically to pursue its own duties. This is a community action agency duly created to administer OEO programs.

Indians do not live in cities. They do not even live in small towns. They are a seminomadic people, wandering around constantly. If in the past they wanted a legal service, they have been able to get it without any trouble or expense.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. DOMINICK. As stated by the Senator from Arizona, we are dealing with a separate government; are we not?

Mr. GOLDWATER. We are dealing with an entirely separate government over which the Federal Government has practically no control. The State government has no control, and neither has the county government. The Indians run their own show, so to speak.

Mr. DOMINICK. Is it not true that when we began dealing with the Peace Corps, we made a rule that we could not go into any country unless we had been invited?

Mr. GOLDWATER. That is correct.

Mr. DOMINICK. It seems to me that we have the same kind of situation here, that if they do not want us to come in, I do not see any reason why the Federal Government should do so, that we should not force them to do something against their will. Does not the Senator agree they are in effect a separate and sovereign government?

Mr. GOLDWATER. This is a big question, in my mind. Who are the "we's"? Who are the "we's" to decide the question, that the tribe needs legal help? Who are they?

This has been long ago, I might remind my distinguished friend, established as a principle of legal representation. They have done it at a cost of $100,000 a year, with no complaints at all.

The Senator talks about water rights. I see the distinguished Senator from New Mexico (Mr. ANDERSON) sitting over here listening to this colloquy. He probably had as much to do with the writing of the compacts covering the Colorado Basin as any man. I served with him on boards which drew up the compacts. The first thing in those compacts referred to the rights of the Indians to their water, that it was not arguable, that they have the right to a portion of the 50,000 acre-feet of water, and so forth; and there has been no question about that. I do not know exactly how much water they are using now, but they are using it as fast as they can. This is another case of a nosy young lawyer who does not know the trouble he can uncover when he gets into this very peculiar field in the Far West.

Mr. NELSON. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I was going to suggest the absence of a quorum for the purpose of calling for the yeas and nays on the amendment.

Mr. NELSON. Will the Senator withhold that momentarily?

Mr. GOLDWATER. Yes. I yield.

Mr. NELSON. As chairman of the subcommittee, this is the first time this matter was called to my attention. I recognize that Arizona and New Mexico—Arizona in particular—has the largest number of Indians of any State in the Nation. I also recognize that the Senator from Arizona (Mr. GOLDWATER) has been interested and concerned about their interests for a good many years and knows a lot about them.

The problem that bothers me is that I am not prepared, really, to have an independent opinion on the merits of this matter. I know that the Senator does, because he comes from the State of Arizona and has looked at it and has reached a judgment on it. But I certainly do not feel that I have enough information to come to an independent judgment about this matter.

The Senator does raise an important issue. I introduced a bill on April 15, and the Senator from New York (Mr. JAVITS) introduced the administration's bill on June 6. We conducted rather extensive hearings. A number of matters of various kinds, not comparable to this one, were called to our attention, and the committee addressed itself to them. We had an opportunity to hear testimony and bring it before the subcommittee. This is by way of saying that the Senator may be 100 percent right. I am not qualified to say to anyone, as the Senator in charge of the bill, whether the amendment of the Senator from Arizona, in its present form, or any form, should be accepted. I am not prepared to say what Mr. Rumsfeld's, the OEO's, or the council's position is.

I am just wondering—the Senator has raised an important question—whether the Senator would be willing to present this to the committee. If so, I would be prepared within the next 4 weeks, if necessary in the next 2 weeks, to conduct a 1-day hearing. I will do it myself. I will set a day aside and the Senator can come in with any other representatives of whatever differing viewpoints there may be existing on the reservation and the OEO, and conduct a hearing; and, based upon that, either recommend an amendment or a bill. Would that meet with the Senator's approval?

Mr. GOLDWATER. Before I answer, I might explain that in June—I think that was the month the Senator mentioned—there were hearings.

Mr. NELSON. On April 15 I introduced a bill and then on June 6, the Senator from New York (Mr. JAVITS) introduced the administration's bill. We held a series of hearings over a period of time.

Mr. GOLDWATER. The question of why we did not bring in an amendment at that time I can easily explain. The delegation has been devoting itself, in meeting after meeting, to this problem, which is a sticky and touchy problem in Arizona. We had been in contact with Mr. Rumsfeld and up until yesterday that was the first time I heard that the bill was coming up today.

Today is the first time I heard that any contract has been signed. Mr. Rumsfeld told us to the contrary, that this was not going to happen. He told us that Mr. Mitchell, under the recommendations of the lawyers, was going to be removed from the reservation. I was a little surprised. I hate to say this about an official in the Republican administration, but he has not kept in touch with the boys down here who are most vitally interested in this. Had we had any idea that Mr. Rumsfeld was going to go around us, and the Governor of Arizona, and so forth, we would certainly have been before the Senator's committee. But we were caught on this by surprise, so to speak.

Mr. NELSON. I am not critical of the Senator for not having brought this before the committee. I know how these problems arise. We did not have it before the committee. I cannot make an independent judgment. So, at present, I would have to vote against the amendment. But I will conduct hearings.

The Senator from New York (Mr. JAVITS) just went by and stated he would cooperate with me on that. We could pick a time in which the majority and minority members of the committee could be present, and I will guarantee to the Senator a hearing within the next 30 days. If he thinks it is very important, I can look at the calendar and guarantee a hearing to the Senator on this issue in, perhaps, 2 weeks.

Mr. GOLDWATER. I have just conferred with my colleague (Mr. FANNIN), who is cosponsoring the amendment. With that promise and assurance from the distinguished chairman of the subcommittee, we will withdraw the amendment and I will have my staff get together with the Senator's staff on this matter.

Mr. NELSON. I will make sure that the Senator can bring anyone he wishes to the hearing, the OEO, and anyone else.

Mr. GOLDWATER. Would it be confined to 1 day? I ask that question because Arizona is a long way from Washington and it takes a little while to get the people together. In all fairness, I think both sides should be represented. I think it would be wise to have a hearing on this matter and then, if a bill is indicated, we can look forward to the Senator's insistence on getting it through.

Mr. NELSON. We will. I would suggest that the Senator pick a day—have his staff meet with mine—and on a day that I have an opening available that will be satisfactory to him, to the Governor, to the Navajos, to the OEO, and so forth, we will then set the date.

The Senator from New York (Mr. JAVITS) has just assured me that he will join in cooperating.

Mr. JAVITS. If the Senator will yield, yes, I should like to join with the Senator from Wisconsin (Mr. NELSON).

But, as I listened to the argument, it did seem to me to be a problem very susceptible of administrative handling, instead of getting caught in a House-Senate conference, and opposition, and so forth. I think we can give the Senator satisfaction, and I will undertake, with the Senator from Wisconsin (Mr. NELSON), to do my utmost to do that.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that my amendment, which I offered on behalf of myself and my colleague from Arizona, be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The yeas and nays have not been ordered.

The amendment is withdrawn.

Mr. MONDALE. Mr. President, I ask unanimous consent that a memorandum on the DNA legal services program be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DNA LEGAL SERVICES PROGRAM—A COMMUNITY ACTION PROGRAM

TRADER PROBLEMS IN DISTRICT 19 ARE BEING SOLVED

We settled the case of a woman, (the case where the trader came to her home with her welfare check, waved a knife at her and took her hand and endorsed the check with her thumbprint) with a return of the check in question and a hundred dollars in cash for signing a release in an action for assault, battery and conversion. Our release had an express condition written in it, that no force of threat or tear of any kind were to be taken against our client, her family or friends for seeking help from DNA.

In a second case, we are supporting a man in a criminal action for assault and battery. When the village policeman refused to serve the warrant against the Cuba trader who is the adverse party, he was fired. This is a welcome extent, since, according to a Cuba official, "the Indians were his prey before we made him leave them alone." According to the village official magistrate, a former justice of the peace, it is the first time in over twenty years of his court experience that an Indian had been a plaintiff in this kind of action in Sandoval County.

The trader who is owner of Tinian, Torreon and Pueblo Alto Trading Posts has been warned of the illegality of his former practice of holding pawn until all food merchandise bills had been paid.

It is extremely important that all of this trader's customers are made aware of this shift in policy so that they can remove pawn as soon as they can tender the pawn price without fear of refusal by the trader or his agents.

All Crownpoint DNA representatives should explain the following in their chapter meetings and post it as a notice.

Crownpoint DNA attorney, Stephen Conn, and DNA director, Ted Mitchell, have met with Morris Tanner, the owner of Torreon, Tinian and Pueblo Alto Trading Posts. They explained the law regarding pawn to Mr. Tanner and he has agreed to revoke the old rule of his trading posts that pawned goods could not be taken out until food debts and other bills were paid. Mr. Tanner now understands that when a customer presents the amount loaned for the pawned item and the legal interest, he must release the pawned goods, whether or not the customer still owes him money on other items.

So the new rule for all customers of Torreon, Tinian, and Pueblo Alto Trading Posts and the rule for all other trading posts is that pawn can be removed from the trading post by payment of the pawn price and legal interest. No Navajos has to wait until he has paid other bills that he owes the trader unless he signs a special agreement that states that he must wait. DNA representatives must warn their chapter members not to sign such an agreement unless it expressly says the legal period for goods to be pawned will be suspended until the customer is allowed by the agreement to pay for and to withdraw his pawn.

The safest rule is to sign no agrecment.

If any trader or his employee refuses to release pawn upon attempted payment by a Navajo, he should report this to his DNA representative at once. The DNA representative should report this to Stephen Conn, Crownpoint DNA, Post Office Box 116, telephone number, 786-5277 (Collect).

An example of a case handled after the rule changed:

A lady at Torreon Chapter House told Mr. Conn that the trader at Torreon Trading Post would not release her family car. When Mr. Conn inquired, he found that the car was pawned for $6.25 and remove the car, until her grocery bill was paid. Under the

new policy, she could pay the $6.25 and drive her car away without further delay.

Mr. Conn explained the change in policy to this happy lady. It is up to DNA representatives to explain it to their neighbors so that everyone may be helped by it.

LOCAL EFFORTS MADE TO EXTEND BENEFITS OF SCHOOL LUNCH PROGRAM

The *Tuba City DNA Office* has recently joined in local efforts to extend the benefits of the school lunch programs in the Tuba City Public Schools. Children unable to pay for their lunches at school have either gone without lunch, had lunch and been sent bills and reminders, or have felt obligated by the pressure of the bills and reminders to pay for their lunches. Often those paying for their lunches have done so from the meager family welfare checks when this money could be better spent on other necessities.

A DNA Attorney met with the local Welfare Advisory Committee and presented an explanation of the laws governing the National School Lunch Program. The Welfare Advisory Committee developed a proposal designed to improve operation of the existing local next meeting. It requested that students unable to pay for their lunches receive them free and not be billed. The proposal further suggested that the school board adopt as a criterion for eligibility all children of welfare recipients.

The school board heard the proposal and discussed it at their meeting with members of the Welfare Advisory Committee and three Tuba City DNA Attorneys. The school board has not yet taken formal action on the proposal, but the principal of the high school has privately agreed that he will implement the proposal in the high school if he is supplied with a list of children who wish to qualify.

FLAGSTAFF SCHOOL DISTRICT DENIES WELFARE CHILDREN TO ATTEND PUBLIC SCHOOL

Flaffstaff School District No. 1 enacted and enforced a policy which excluded from a State Public Elementary School within the district, children whose parents or guardians were recipient of State Welfare assistance. The policy allegedly makes the State public school available only to children whose parents are "gainfully employed" or have "visible means of support."

The parents of children who were not permitted to attend local public school in Leupp, Arizona contacted the DNA Legal Services Office in Tuba City, Arizona, for assistance in combating the unreasonable and unjustifiable discrimination against them and to secure the enrollment of their children in their public school.

The legal services attorneys filed a petition for an alternative writ of mandamus to compel the school district officials to admit all children to the Leupp Public School who were legally eligible to attend without regard to their family financial status. The alternative or temporary writ was issued by Judge Thomas Brooks of the Coconino County State Superior Court; and a hearing in the same court is presently scheduled for October 14, at which hearing it will be determined whether the temporary writ of mandamus should be made permanent.

The Petitioners allege among other things that their children have a constitutional, as well as a contractual right, to attend State Public Schools, that respondents' actions denied Petitioners of equal protection of the law and violated due process requirements.

Although the respondents have not yet filed an answer, they have indicated that the Indian children could receive an education at the Bureau of Indian Affairs Boarding School in Leupp (Leupp is located on the Navajo Indian Reservation).

Copies of the pleadings and briefs have been sent to National Clearinghouse for Legal Services.

1962 DEAD ANIMAL CASE SOLVED BY DNA

Client came in for assistance on a dead animal case (motorist striking and killing an animal on the highway in open range county). While we were discussing this recent accident the client mentioned a similar accident in *1962* where he had gone to Navajo Legal Aid Service in Window Rock for assistance. He stated that he had executed a release at Navajo Legal Aid Service (NLAS), but never received a check. The client executed a Discharge of Attorney and Authorization for letter in NLAS file was dated October 12, 1965, and asked for the check.

We wrote the insurance company and requested that they honor the release (also sent copies of all correspondences). Received a reply that the insurance company would be unable to help us unless we furnished them with policy number. We informed them that our file did not disclose the policy number and that the policy number of their insured should be more readily available to them. In all correspondence, we stressed that the crux of the matter was that they had received the executed release without tendering the settlement agreed upon. In our last letter, we advised them that if reparation was not forthcoming immediately, we would report this unfair practice to the Insurance Commission of the State of Arizona pursuant to ARS § 20–441. The check for $125.00 was sent by return mail.

Our client was very pleased to receive his check, even though it was six years after the accident.

DNA HELPS A LADY

A young woman came into the office on a Friday morning, asking for a divorce. When asked about her reasons, she said what she really wanted was to get her marriage back together again. After four (4) years of a very happy marriage, she became sick. Her mother-in-law demanded that her son abandon his wife, saying that she was no good for him. The son obeyed his mother, and for the past two years had abandoned his wife. After telling this, the client broke down and wept. The DNA attorney attempted to locate the husband in order to talk to him, but several phone calls produced no results. Finally, the client grew angry at this and walked out fo the office, shouting that she knew the lawyer didn't want to help her.

The following Monday, she came back and the whole scene was repeated, except that this time as she began to walk out, she threatened suicide by running in front of a truck. The attorney stopped her and told her to sit down and that she had to trust DNA to help her, but that it took time. She was crying hysterically and did not seem to understand. At this point, the attorney called on Leo Haven, who spoke to the client in Navajo for several hours, and finally calmed her down and convinced her to trust DNA.

When the client left the office that day, she appeared much happier and even apologized to the attorney for walking out on him.

To date, we are still trying to find the husband, and to get a job for the client in the meantime.

UNLAWFUL PAWN PRACTICES IN HOLBROOK

This woman pawned a very valuable concho belt to a trader in Holbrook during the big snow. When she came to redeem the belt, he refused to return it unless she paid an amount of interest that was almost greater than the loan. She refused and saw a DNA lawyer. He called the trader and told him that the maximum interest on a pawn was 2% per month, and that the trader was unlawfully charging 10%. The trader said he was going to his lawyer. The DNA attorney met with the trader's lawyer, who had advised the trader of the unlawfulness of his actions. The trader's lawyer agreed to waive all interest on the belt and return it to the client for just the amount of loan still unpaid.

The Navajo County Attorney was also informed of the unlawful pawn practices going on in Holbrook, Arizona.

RAMAH HIGH SCHOOL CASE

DNA's suit against Gallup-McKinley County School Board and its Superintendent, Dr. E. B. Fitzsimmons, was heard in open court in Gallup, New Mexico on October 14 and 15, 1968.

After two days of testimony, the defense attorney for the school board and for Dr. Fitzsimmons made motions to dismiss the case. Two of his motions were granted, but the Judge, Frank Zinn of Gallup, denied the motion to dismiss the Equal Protection argument submitted by DNA. He suggested that DNA amend its original complaint to focus on the issue of whether the school board has extended its school bus routes far enough into Ramah Navajo area in order to bring Ramah Navajos into Gallup-McKinley County public schools. DNA plans to amend its complaint forthwith.

After the amended complaint is submitted, the judge will set a date for another court hearing. This time the only issue will be school bus routes. In making his order, Judge Zinn agreed with DNA that the school board must, as a matter of law, use every ounce of energy it has to get as many Ramah Navajos into its public schools as possible. The school board, said the judge, "must beat the bushes for every Navajos school aged child it can find so that he can attend a public school." The judge stated further that it makes no difference whether Gallup-McKinley County schools have no legal responsibility to educate Ramah Navajos who live outside the school district boundary in Valencia County. The fact that the school board has taken some of these children into its schools for ten years or more and has taken them partly because of an agreement it has with Grants Municipal School District, which covers Valencia County, prevents them from asserting their legal responsibility as a reason for not extending the bus routes.

Judge Zinn's decision is significant for Ramah Navajos for these reasons: 1) It means that, although the Ramah High School will remain closed, there is a very strong chance that the bus routes to Gallup-McKinley public schools will be extended. If that happens, which is likely, Ramah Navajos will no longer have to send their children to off-reservation BIA boarding schools or bordertown dormitories. 2) Aside from the question of how many Ramah Navajos attend public school in McKinley County, Judge Zinn's decision marks the first time, as far as we know, that Ramah Navajos have come to Gallup, told a story about governmental injustice against them to a white judge from the Gallup community, convinced the judge that they were right, and persuaded the judge to order the government to do something differently for the benefit of Ramah Navajos.

The Ramah School Case is not closed. But the issues are now different. Now DNA must prevail in its assertion that busses can go further than they do now. DNA stands a very good chance of getting the routes extended. The next hearing in the case has not been set. It will probably occur within six weeks. After that the school board, if DNA wins, will have to go to Santa Fe to petition the State Transportation Division to contract for more busses and longer routes in the Ramah area. If all go well, the busses may be running this year.

DNA PREVENTIVE LAW AND COMMUNITY EDUCATION

During the month of September, the DNA staff has talked to 3,576 people at 36 community meetings and conferences. The DNA staff in the five agency offices have talked to

chapter residents about knowing the law, understanding the law, respecting the law and to encourage others to maintain respect for laws within their chapter areas. A special legal educational leaflet has been prepared for local residents to understand and know the necessary agreements they make when they sign a conditional sales contract, to buy furnitures, appliances or automobiles. The residents are also informed in Navajo that they must have the contract explained to them in detail, so they can understand and know the figures of the financial negotiations very plainly before they sign the contract.

Oral presentations are made to residents that they must know the federal and tribal laws that regulate the traders, who have stores and deal with Navajos on the Navajo Reservation. A legal educational leaflet is being prepared for the public, which explains in simple English the tribal and federal laws that apply to trading posts.

All DNA staff attorneys, counselors and interpreters/investigators have attended two OEO legal services conferences where they were informed about consumer laws, consumer fraud, consumer lawsuits, consumer conseling, consumer practices, and consumer education. The purpose for the DNA staff attending these conferences was to acquire more knowledge about consumer laws, so the staff can better understand and effectively serve DNA clients. DNA staff members who attended these conferences also talked to many conference participants about DNA's legal services, preventive law, community consumer education programs, and exchanged ideas on the types of legal cases processed on the reservation and other programs. DNA education staff talked to tribal fair visitors about DNA's preventive law and community education program, showed legal educational films, slide pictures, played tape recordings on legal educational program, handed out educational brochures and distributed information on the activities of DNA legal services program to thousands of residents and visitors at the Navajo Tribal Fair.

Mr. MILLER. Mr. President, I sent an amendment to the desk, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 4, line 20, it is proposed to add at the end thereof the following:

"*Provided,* that no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;".

Mr. JAVITS. Mr. President, I have one question to ask of the Senator from Iowa. Is the understanding that such a lawyer shall not be employed in any way in the legal services program?

Mr. MILLER. That is correct.

Mr. JAVITS. That is the purpose of the amendment?

Mr. MILLER. Yes.

Mr. JAVITS. Mr. President, I see no objection to it, though I know of no such case, and, so far as I know, neither does the OEO. I ask the Senator if he can tell us of one. I am not saying that challengingly, but apparently he does not know of any. However, it is a precautionary measure, and I would have no objection to it.

Mr. NELSON. Mr. President, I accept the amendment.

Mr. MILLER. Mr. President, I thank my colleagues. I make the observation that the legal services activity is a comparatively new one and there is a great deal of hope for its future. I feel strongly that we must make sure nothing is done that will impede it. I believe the amendment will satisfy the desire of a great many people who are concerned about such a thing happening.

Mr. NELSON. Mr. President I agree with the Senator.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MONDALE. I have no objection to the Senator's amendment. The one problem I have is this: Suppose there is a State which unfairly disbars an attorney. Under the amendment of the Senator, would the Senator say that the Director would have authority to review that matter and consider it as a special circumstance? I do not see the likelihood of it, but should that occur, what would happen?

Mr. MILLER. Frankly, I had not thought about that, but it seems to me that if there is such an occurrence—and I can understand how there could be—certainly there should be a way handling it through the Federal courts or through the Civil Liberties Union, which I know takes cases like that.

Mr. MONDALE. In the opinion of the Senator, could the OEO Director take cognizance of that possibility?

Mr. MILLER. Let me say that I would hope the OEO Director in such a case would see to it that a person whom he felt to be unlawfully disbarred was appointed to some other office until such a matter could be taken care of. I do not think that would be a problem.

Mr. MONDALE. Mr. President, I have no objection to the amendment.

Mr. MILLER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

EDUCATIONAL TELEVISION AND RADIO AMENDMENTS OF 1969

Mr. PASTORE. Mr. President, I call up a privileged matter and ask the Chair to lay before the Senate a message from the House of Representatives on S. 1242.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Educational Television and Radio Amendments of 1969".

THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: "There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year."

(b) The last sentence of such section is amended by striking out "July 1, 1971" and by inserting in lieu thereof "July 1, 1974".

ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of $20,000,000" after "$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Mr. PASTORE. Mr. President, the pending measure involves the extension of grants for construction of educational television or radio broadcasting facilities and the support for the Corporation for Public Broadcasting created by the Public Broadcasting Act of 1967.

The bill was passed by the Senate on May 13, 1969. The House made certain perfecting modifications, but the bill is substantially as passed by the Senate.

I would like to point out the modifications made. The Senate provided authorization for a 5-year period for educational facilities, with the general authorization of such sums as may be necesary for each of the next 5 fiscal years.

The House amended that provision by cutting down the 5-year period to 3 years and putting a ceiling on the amount to be authorized of $15 million for each of the 3 years.

I further want to state that this matter has been taken up by my Republican counterpart on the subcommittee, and it meets with his approval.

I therefore move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. DOMINICK. Mr. President, I call up my amendment, which I have already sent to the desk.

The PRESIDING OFFICER. The amendments offered by the Senator from Colorado will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments proposed by Mr. DOMINICK are as follows:

On page 4, lines 9 and 10, strike out "7,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 13 and 14, strike out "$120,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 17 and 18, strike out "$16,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 21 and 22, strike out "$40,000,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 1 and 2, strike out "$75,000,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 6 and 7, strike out "$1,600,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 10 and 11, strike out "$7,500,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 15 and 16, strike out "$25,000,000 for the fiscal year ending June 30, 1970, and".

Mr. DOMINICK. Mr. President, I think I can explain the amendments very quickly.

First of all, I want to say I have enjoyed working on the committee and I have enjoyed working on a bill which I think has a real significance in our national structure.

I was particularly pleased that the committee was willing to take, and did take, the provision that I offered, which gives us, for the first time, a national program for rehabilitation of drug addicts and drug abuses. I think that this will be extremely helpful.

I have had the opportunity of serving on the Subcommittee on Alcoholism and Narcotics with the Senator from Iowa (Mr. HUGHES) and the Senator from Ohio (Mr. SAXBE), and other Senators, studying alcohol and drug abuses. It is apparent that both of these fields need attention, and need national attention. So the effort which was made by the committee to put both the alcoholism and and drug programs into the bill are of real significance in the national picture.

With regard to my pending amendment, we have a rather peculiarly structured bill. President Nixon requested $2.048 billion for OEO in the 1970 fiscal budget. That $2.048 billion is contained in the bill in total.

The Senator from New York (Mr. JAVITS) attempted, by his amendment, to strike the earmarking of these funds. He was unsuccessful in that effort. Therefore, the money requested by the administration for OEO for fiscal year 1970 is now tied down.

That $2.048 billion is not effected by my amendment at all. What we have, in addition to the $2.048 billion, can be found in the bill, starting on page 4, in line 6, and going through page 5, on line 19. In the committee we referred to this as "add-ons." They are additional authorizations for eight specific programs over and beyond the $2.048 billion, and in the first year they total $292.1 million.

My amendment would strike all authorizations for the first year "add-ons."

I know we had extensive testimony in the hearing record indicating that, first of all, the OEO is designed, under its new reorganization plan, to be an innovative agency, not an operating agency. OEO will not operate proven programs on a nationwide basis, but will innovate by way of pilot programs and then, when they are proven, turn them over to existing agencies which would have jurisdiction for actual operation.

The $292.1 million in this bill is, once again, earmarked for the first year and for the second year. $292.1 million is added to the $2.048 billion in fiscal year 1970, at the very time when Congress has put a limit on what the President is allowed to spend in this fiscal year.

So here we go once again, with a law from Congress, passed by both Houses and signed by the President, putting a limit on the maximum amount that he is entitled to spend, and then we go right on from there, as Congress, and authorize the expenditure of a considerable amount of taxpayers' funds, over and beyond the budgetary figures.

Not only do we propose to do that by this bill, unless my amendment is accepted, but we are also doing something which the administration does not want: We are earmarking more money for specific programs, and, in addition to that, authorizing the expenditure of funds which the administration itself has said that it cannot spend fruitfully this year.

Let me state the position we are in. Here we are, in the middle of October. The Appropriations Committee is just starting hearings on the Labor and HEW appropriation bill. It probably will not be marked up, because of a jurisdictional question involved, until late November, and it will probably be about the middle of December before it ever gets to the floor. We have yet to go to conference on whatever the House of Representatives may do on this bill. We are not possibly going to be able to get something into fundamental legal condition for passage and for the President's signature until considerably later this year.

As a result of this situation, we were successful, in committee, after some strenuous arguments, in getting the sponsors of these various amendments to reduce the amounts as originally proposed to one-half for fiscal year 1970. Even so the add-ons total $292.1 million. What in the world are we doing, authorizing this amount of money, when the agency says it cannot spend it fruitfully, when the administration has said it does not want it, and when we have already put a budgetary limit on the President, limiting what he can spend for this fiscal year?

It seems to me that we are going about it the wrong way, no matter how nice, how pleasant, and how sincere the people are in presenting the need for expanding these programs.

What are the programs? One of them is one I happen to be deeply interested in: the Headstart program. My amendment will not cut back the Headstart program. The fact of the matter is that we have $338 million for Headstart in the $2.048 billion which will remain in the bill, so we are not in fact cutting down Headstart at all. As a matter of fact, we are increasing it over last year's estimated expenditures, and over the actual expenditures in 1968, and we are leaving in the very amounts that President Johnson and President Nixon suggested: a total of $338 million.

So if we strike this from the Headstart program—as I say, I am deeply interested in that—we will still have $338 million left in the program as authorized spending for this year. That, I think, is very important to keep in mind. More than that cannot be spent.

And so on, in each one of these programs. For the special impact programs, there is $46 million in the original bill. As I say, we have $338 million for Headstart. There is $58 million for legal services, $80 million for comprehensive health services, and $25 million for the emergency food and medical services.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. In a moment, when I finish with this list.

There is $15 million for famliy planning programs, $8,800,000 for senior opportunities, and a lot of other things, including $34 million for migratory workers, $12 million for rural loans, $16 million for administration and coordination, and $37 million for VISTA.

This amendment would not cut back any of these. They are not affected at all. What I am doing is cutting out the authorization for the add-ons.

I am happy now to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, my question is this: If I understood the Senator correctly, he stated that the Agency, or some of the agencies, would not be able to spend the amount of money that is authorized in the bill if it were appropriated? Is that correct?

Mr. DOMINICK. That is correct, fruitfully. We had testimony as to that in the hearings.

Mr. NELSON. The biggest addon of all is the $240 million for Headstart.

Mr. DOMINICK. Yes. That is for the second year. I am not touching the second year. My amendment would cut only the first year "addon," which is $120 million.

Mr. NELSON. So $120 million is the addon the first year. Now, in fiscal year 1969, 667,600 children were in Headstart. Under the budget proposed by the administration, with their movement, now, to the year-round Headstart program—on the ground that that is much more effective than the limited summer program—they could handle only 488,100 children. That would mean 179,500 children would have to be dropped from Headstart.

The staff asked the OEO how much money it would take to maintain the same number of children in the Headstart program as are in the Headstart program in fiscal 1969. The OEO gave us the figure of $240 million. We cut the $240 million in half for the first year, on the perfectly logical ground that by the time we get the bill passed, something approaching a half year will be gone. So it is perfectly clear that as to the largest addon, if we are to maintain the 667,700 who are already in the program, we will have to have that money. Is that not correct?

Mr. DOMINICK. No, I do not really think it is, because it is my understanding that the administrative capability is lacking to put together and approve year-round programs for the first year for Headstart, to serve the number of

children that the Senator is talking about. Nor do they have the community support to be able to do it on a year-round basis.

So what they are saying is that if everything were fair in a fair world, this is what they would like to do. That is not the case.

So how are we going to balance these things? We are going to spend $338 million, and we have not received an appropriation for even that money yet. If we are going to spend that amount, it would seem we would need all the time we could get in order to make logical plans for a year-round Headstart program.

Also some of these children have probably been counted twice. Some of them are from families which are not low-income families. Under the bill they would be permitted to go ahead, but they would have to pay for it.

When I say that some of them are counted twice, I am talking about some of the kids who have gone to summer Headstart programs and then go to the school year program afterward. I do not know whether they have been counted twice or not. I am surmising that they have.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. NELSON. If the Senator's amendment prevails and no additional money is provided for the first year—I assume the statistics are correct—when they get into the year-round program, there would have to be less children in the Headstart program than now. I do not suppose that anyone really knows how many less.

We do know that if we were on a full year-round program, with the amount of money that the administration has asked for, about 179,000 children would have to be dropped from Headstart. That is the best estimate we can get from the OEO.

Mr. DOMINICK. Mr. President, let me reply that the $338 million which would still be included is the amount that President Johnson asked for. It is also the amount that President Nixon asked for. It is the amount now in the bill.

The question about the year-round program is interesting.

Part of the problem, as the Senator knows, is due to the fact that the summer programs were using facilities which would have to be used for the regular schools in the school year.

Consequently, the facilities are not available under the present circumstances. They will have to find other facilities, set them up, get community support behind them, and find out how much local money can be put into programs of this type which we are authorizing in the bill. This is needed.

I say that we should go ahead and spend the $338 million which can be spent meaningfully. After that I would be happy to go along with the Senator from Wisconsin and say for fiscal year 1971, let us have more money for Headstart if it can be used properly.

We are only talking about 1 year. We have a lot of other items which I think are important. For the purpose of the RECORD, I would like to mention some of them.

Let me just take the emergency food and medical services. This add-on provides $75 million for the first year. I am offering to strike that.

On the emergency food and medical services in 1968, we spent $12.8 million. In 1969, it is estimated that we spent $16.6 million.

President Johnson asked for $17 million. President Nixon asked for $17 million. And we put $25 million into the $2.048 billion. So we are already $8 million over what both administrations asked for on that item alone. And here we come along and have an add-on of $75 million for this year just after we have recently passed the most generous bill, I guess, in history in order to try to help people get food. We have just finished doing that.

Mr. NELSON. Mr. President, it is correct that we had $17 million in the "emergency food and medical services" for fiscal 1969. And the administration does intend to spend $25 million for fiscal 1970. However, the problem is that there are 400 comunity action agencies now involved in the emergency food program, 95 percent of which are rural community action programs.

There are 600 urban community action programs which have no emergency food programs because no money was available. We asked how much money it would take to bring the 600 urban community action programs under the emergency food program. They gave us the figure $150 million which we put into the budget.

It is not a question that they cannot spend it. The question is that there was not any money to spend. We do not have any programs in 600 urban areas where they are as urgently needed as they are in the rural areas.

Mr. DOMINICK. Mr. President, that is a good argument. However, I would not agree for the reason that the OEO is not an operating agency. The OEO is now an innovative agency.

I have asked the Director—and I am sure it is in the record—whether he wants to go forward with an operating emergency food and medical services program around the country. His answer is that they are not equipped to do that.

Mr. NELSON. Who said that?

Mr. DOMINICK. The Director of the OEO said that they are not equipped to do that.

Mr. NELSON. But they are the managers of the program.

Mr. DOMINICK. We reported that we have conversed on this matter. They are not equipped to cooperate on emergency food and medical services program around the country. We are trying to get funds on an emergency basis where it is needed and other agencies cannot get to them.

Mr. NELSON. Is it not correct that it was never intended that the OEO would directly operate the program? It is being operated at the local level through community action agencies.

The program responsibility is with the OEO. We know that 600 urban communities are without emergency food and medical services programs and that 400 rural areas do have them.

When we asked how much money it would take to put the program into the urban areas in the same fashion as in the rural areas, the OEO gave us the figures. We put them in the budget.

If Congress wants to decide that it will run the emergency food and medical services program for hungry people in rural America but not for hungry people in urban America, that is a decision it will make. However, I do not think that is the position Congress wants to take.

Mr. DOMINICK. Mr. President, again I do not want to be put in the position of saying on the floor that I am against emergency food and medical services programs. We have $25 million in the bill for that purpose out of the $2,048 million in the first portion of the bill.

I want to go through some of the other items to show what we are doing. Let us talk about legal services. We have been battling about that all afternoon in one form or another. It seems to be perfectly evident that some people are against it. I happen to think it is a pretty good idea by and large. I would like to see it continue providing we can keep it in focus rather than have it as a political mechanism as happens in some areas.

There was $35.9 million for legal services in 1968. There was $42.0 million for legal services in 1969. President Johnson asked for $50 million for this program President Nixon asked for $58 million. That is an increase of $8 million, and an increase over fiscal year 1969 spending of $16 million.

The bill provides $58 million for legal services out of the $2,048 million. Now, we come along again and add on another $16 million for this year and $32 million for next year.

My point is that we should get some of these problems straightened out before we start authorizing the spending of the whole Federal Treasury on a group of programs some of which are good and some of which are not. Until we get the programs ironed out, I think it is perfectly ridiculous to tell the President to hold the budget down to the amount we said and then go ahead and authorize appropriations way beyond that amount.

I could go on with a lot of interesting items in the add-ons. However, the net effect is to keep the $2.048 billion that President Nixon requested. Let us cut out the $292 million add-ons which have been put in the bill and which cannot be spent if appropriated.

Mr. NELSON. Is the Senator prepared to vote?

Mr. DOMINICK. I am prepared to vote. First, however, Mr. President, I ask for the yeas and nays.

The yeas and nays wer ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment

of the Senator from Colorado. On this question the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 47, nays 38, as follows:

[No. 123 Leg.]

YEAS—47

Aiken	Goldwater	Packwood
Allen	Griffin	Pearson
Allott	Gurney	Prouty
Baker	Hansen	Russell
Bellmon	Hatfield	Saxbe
Bennett	Holland	Schweiker
Boggs	Hollings	Scott
Byrd, Va.	Hruska	Smith, Maine
Cooper	Javits	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Talmadge
Dominick	Long	Thurmond
Ellender	McClellan	Tower
Ervin	Miller	Williams, Del.
Fannin	Mundt	Young, N. Dak.
Fong	Murphy	

NAYS—38

Anderson	Inouye	Nelson
Bayh	Jackson	Pastore
Bible	Kennedy	Pell
Burdick	Magnuson	Proxmire
Byrd, W. Va.	Mathias	Randolph
Cannon	McCarthy	Ribicoff
Church	McGee	Spong
Cranston	McGovern	Symington
Eagleton	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.
Gravel	Mondale	Yarborough
Hart	Montoya	Young, Ohio
Hartke	Moss	

NOT VOTING—15

Brooke	Eastland	Mansfield
Case	Fulbright	Muskie
Cook	Goodell	Percy
Dodd	Harris	Smith, Ill.
Dole	Hughes	Stevens

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREMIER PHAM VAN DONG'S LETTER TO THE AMERICAN PEOPLE

Mr. TOWER. Mr. President, if the Senate will indulge me for a moment, we have just received notification of some rather interesting support for the moratorium tomorrow. Here is a letter from Premier Pham Van Dong of North Vietnam to the American people. The letter states:

HANOI,
October 14, 1969.

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a road and powerful offensive throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.S. and world public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental National rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the peoples of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,

PHAM VAN DONG,
Premier of the DRV Government.

Mr. BYRD of West Virginia. Mr. President, those who participate in the moratorium have a right to do so as long as they break no laws. Many of those who participate undoubtedly will do so out of good motives; others may not.

I want to see our country get out of Vietnam as much as anybody. But national policy—while it must take into account public opinion—cannot be made by demonstrations in the streets. I am convinced that the President is doing the best he can to withdraw our forces and negotiate a workable solution.

My concern is that the moratorium may undercut his efforts and encourage Hanoi to think that if it holds out a little longer it will get everything it wants without the need for reciprocal action.

I have no quarrel with anyone's desire to end this war, but I hope the participants will direct some of their energies to the enemy who stands in the way of peace.

I ask unanimous consent to insert in the RECORD a news story which appeared in the October 9, 1969, edition of the Morgantown, W. Va., Post entitled "Hanoi Ignores U.S. Peace Plan, Asks October 15 Support," together with an editorial from the October 13, 1969, Fairmont, W. Va., Times, titled "The Vietnam Moratorium."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Morgantown (W. Va.) Post, Oct. 9, 1969]

HANOI IGNORES U.S. PEACE PLAN, ASKS OCTOBER 15 SUPPORT

PARIS (UPI)—North Vietnam and the Viet Cong today went over the head of U.S. negotiators and appealed directly to the American public to increase its opposition to President Nixon's Vietnam policies.

The Communists ignored allied peace proposals and zeroed in on next Wednesday's Vietnam protest day in the United States.

Col. Ha Van Lau, the Hanoi deputy negotiator, and Mme. Nguyen Thi Binh, the Viet Cong's "foreign minister," appealed to American citizens to increase their resistance and force Nixon to accept their negotiating proposals in Paris.

Today's skirmishing at the 37th weekly session of the eight-month-old talks indicated that Hanoi and the Viet Cong will make no concession from their own 10-point peace package until after they have assessed the scope of popular opposition in U.S. universities.

U.S. Ambassador Henry Cabot Lodge vainly pleaded for immediate talks on how to insure the national rights of the South Vietnamese people through free elections.

Madame Binh scorned the renewed U.S. plea and said: "The so-called free election plan amounts to asking the Vietnamese people to lay down their arms in exchange for a ballot—that is to say, to accept fraudulent elections organized by the Saigon administration under the control of American and puppet troops."

The two Communist delegations likewise turned a deaf ear to a statement by South Vietnamese delegate Pham Dang Lam. He formally laid before them President Nguyen Van Thieu's Oct. 6 declaration in which he offered to discuss "any matter whatsoever, including the question of a ceasefire, provided they wish to end the war through serious negotiations."

Though no progress was expected to emerge from today's session, observers watched closely two developments related closely to the talks.

Lodge denied several side assertions of the Communist delegation including one contention that the Allies were responsible for the failure of the conference to make any progress.

"We are intent on setting the record straight," Lodge said. "We are willing to negotiate on the basis of the fundamental rights of the Vietnamese people."

Lodge's remarks indicated U.S. negotiators were anxious to try to overcome the Communist side's opposition to free and internationally controlled elections in South Vietnam.

The Allied delegation expected little progress until the return from Hanoi of Xuan Thuy, North Vietnam's chief delegate to the talks.

Thuy went to Hanoi Sept. 4 for the funeral of President Ho Chi Minh and has remained in the North Vietnamese capital for what diplomatic sources said were extensive talks with the new leaders of the nation.

[From the Fairmont (W. Va.) Times, Oct. 13, 1969]

THE VIETNAM MORATORIUM

Neither advocates of Wednesday's Vietnam Moratorium nor those who oppose it can find fault with the attitude toward the proposed school "holiday" taken by President Eston K. Feaster of Fairmont State College. He, like President James G. Harlow of West Virginia University and the heads of most other state-supported schools, have taken the position that they can coerce no student into either agreeing or disagreeing with the movement.

The idea of a moratorium in protest against this country's continuing involvement in the Vietnam war originated at the student level. It has received support on campuses across the country and now has the backing of many public officials, some of whom see a chance for political favors from the youths whose cause they espouse.

As Dr. Feaster pointed out when the subject of institutional participation in the moratorium was laid before him, every student and faculty member must decide on his own whether he wants to participate or ignore the event. The college has never, and will not in the present instance, take an official position on a public issue like the moratorium, President Feaster said, reaffirming a long-standing policy in West Virginia institutions of higher learning.

James Butcher, student body president who is organizing Fairmount State's participation, has not sought sanction of the movement from the student council and has wisely and reasonably accepted the school's policy declaration. He and a Student Moratorium Committee have arranged for a march from the campus to the courthouse and a speech there by Dr. Wesley Bagby of West Virginia University, a history professor often identified with liberal causes.

Unlike the University's Daily Athenaeum, which has come out editorially in favor of the moratorium and has devoted much space to stunts designed to publicize it, the Columns at Fairmount State takes the position that each student should weigh the facts pro and con and only then make up his own mind about attending or staying away from class on Wednesday.

Patty Vandergrift, editor of the Columns, who is working on The Times while attending school, raises an interesting point in her discussion of the moratorium. "How will the people of Fairmount and especially contributors to school funds such as the Student Loan Fund react to FSC's participation?" she asks.

It would be safe to assume that most of the affluent supporters of the various funds raised to help students at Fairmount State are something less than left-wingers. Some of them already have voiced objections to the participation of certain athletes, whose education is being financed in part from publicly raised scholarship funds, in recent picket demonstrations in downtown Fairmount.

Others who give annually to the Student Loan Fund, where a dollar likely brings a greater return than any other investment in education, may take a dim view of a holiday from school called to protest a war in which this country is morally and legally involved however wrong it now seems.

We believe it is only natural for the younger generation to want a share of the decision-making process. College students are especially zealous to join protest movements of every kind and character. The male portion of the student population has a very real concern, for most of them face induction in the armed services as soon as their student deferments expire.

But we are experiencing some difficulty in deciding just who the students expect to convince with their nation-wide moratorium. Certainly it will not be President Nixon, who made his feeling "crystal clear" at his Sept. 30 press conference in reply to an inquiry on the moratorium.

Anti-war senators and other public figures already are doing just about as much as they can to bring about American disengagement in Vietnam. The student protest may provide them moral support in their endeavors, but its practical effect must be open to serious question.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Colorado proposes an amendment, as follows:

On page 4, line 10, strike "$14,000,000" and insert in lieu thereof "$7,000,000".

On page 4, line 14, strike "$240,000,000" and insert in lieu thereof "$120,000,000".

On page 4, line 18, strike "$32,000,000" and insert in lieu thereof "$16,000,000".

On page 4, line 22, strike "$80,000,000" and insert in lieu thereof "$40,000,000".

On page 5, line 2, strike "$150,000,000" and insert in lieu thereof "$75,000,000".

On page 5, line 7, strike "$3,200,000" and insert in lieu thereof "$1,600,000".

On page 5, line 11, strike "$15,000,000" and insert in lieu thereof "$7,500,000".

On page 5, line 16, strike "$50,000,000" and insert in lieu thereof "$25,000,000".

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. DOMINICK. I do.

The PRESIDING OFFICER. Is there objection to the Senator's request? The Chair hears none, and the amendments will be considered en bloc.

Mr. DOMINICK. Mr. President, I do not know whether I am going to need the yeas and nays on this but, in effect, what this does is to take the second year add-ons and reduce them by 50 percent. This would save $292 million in terms of authorization as opposed to $584 million which was put on by the committee. There is $2.048 billion authorized for fiscal 1970. There is $2.148 billion authorized for fiscal 1971. These add-ons would add 584.2 million on top of $2.148 billion for fiscal year 1971. It would be, in effect, a net increase of $684 million in 1971.

It seems to me that we are completely out of the ball park on this type of figure. What I am suggesting is that we take the $292.1 million, which is one-half the sum total proposed for "add-ons," and leave that in for 1971. This would mean an increase of approximately 10 percent over what the authorization will be in the main part of the bill for that same year.

Mr. President, I am ready to take it to a vote with that kind of explanation. I will be happy to answer any questions.

Mr. NELSON. Mr. President, I think it was unfortunate that the Senate accepted the amendment of the Senator from Colorado to remove from the bill all of the add-ons that the committee approved. I point out that roughly half the Republicans supported the add-ons we put on in the committee, and that the Democrats were unanimous. I further point out that on the Headstart program alone, as the OEO now converts to a year-round program—as I think every one agrees it should—and makes full conversion under the administration's budget, 179,000 children who are now covered in the Headstart program will go out of the program.

The Headstart program now is taking care of only 10 percent of the children in this country who need the benefits of the Headstart program. So what we would be doing would be to reduce the number of children who would be covered by the Headstart program. I am informed that the conversion of Headstart to a year round program, without the new funds the committee has proposed, means that in Alabama approximately 4,700 children now under Headstart would be dropped from the program.

In Arkansas, an estimated 4,300 kids who need the benefits of the Headstart program would go off the program.

In California, 4,700 would go off.

In Florida, 3,400 would go off.

In Georgia, 5,700 would go off.

In Illinois, 9,300 children who are in the Headstart program now, a program in which we are trying to take disadvantaged children and give them an opportunity in life, will be taken off the program.

In Kentucky, 6,100 children would go off the program.

In Louisiana, 5,000 would go off.

In Michigan, 5,900.

In Minnesota, 2,700 would go off.

In Missouri, 3,600 kids would go off.

In New York, 10,600 children would go off.

Mr. President, is that what the U.S. Senate stands for?

Does it stand for taking kids off the Headstart program just to save a handful of dollars?

If that is what it stands for, I do not want any part of it.

Mr. President, let us look at the emergency food and medical services program. There are 400 community action programs in this country which have an emergency food and medical services program—almost every single one of them rural.

There are 600 urban programs—600 CAP programs—which have no emergency food and medical service programs at all.

The $150 million would give them that program.

Does the U.S. Senate stand for not feeding kids who are hungry in the cities?

If that is what it stands for, then stand on the rollcall.

Mr. YARBOROUGH. Will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator, is it not a fact that the budget of President Nixon has asked for more money for OEO this year than Congress appropriated last year? I invite the attention of the Senate to the table on page 46 of the report, showing that fiscal year 1969 program expenditures were $1,948,000,000.

In April, the administration revised those figures and asked for $2,048,000,000.

The President has, therefore, asked for more money than was asked for last year. Is that not a fact?

Mr. NELSON. That is correct.

Mr. HOLLAND. Mr. President, if I may interject there, is that not the amount in the bill?

Mr. DOMINICK. That is correct.

Mr. NELSON. Yes.

Mr. HOLLAND. He so states. Therefore, I do not understand the question of the Senator from Texas, indicating that he thought we had cut that amount.

Mr. Nelson. Mr. President, I want to make one more point. There is $50 million in the committee bill for fiscal 1971 for day care projects. This amendment would cut that in half, to $25 million. We authorized day care projects—title V–B—in 1967. We have people all over the country saying, "Why do not people work and earn a living?"

There are women all over the country who have dependents. They are asking to work. They are dying to work. They want to make a contribution. They do not want to sit home all day long, but they have little children to take care of. Yet we have not funded that program since it was enacted in 1967.

We passed a bill a few weeks ago in which we authorized employers and employees to join in making contributions to opening day-care centers at their plants. Under the committee bill, we could use this money to match the cost, so that mothers who want to get off welfare, who want to go out to the plant and make a contribution—or wherever they may want to go to work and earn a living—will find a place to leave their children. But here we are, being asked to cut the program by $25 million.

All right, cut it $25 million, but let us not run around the country saying, "Let us get people off welfare. Let us have people work. Let us have people work and earn their living," but at the same time make it impossible for them to do so.

If that is what the Senate stands for, let us have a roll call vote. Let Senators live with their consciences. I will live with mine.

Mr. MONDALE. Mr. President, one of the things that I have commended the President for is his frequent public support of programs to help children in the first 5 years of life. He has pointed out—and correctly, I think—that the institutions of this country, by and large, ignore children suffering from cultural and emotional deprivation until at least the age of 6, and for most of them it is then too late. They are already at the point where only a unique, costly, and personal effort can save them.

Thus, we have the anomaly in this country where, in a rich and powerful nation, millions and millions of children never have a chance. I have applauded the President for his statement. I have applauded him for saying we must redeem the promise of America for children in the years before they enter school, the years of dynamic growth and development.

Do we in the Senate say that the words of the President are hollow rhetoric? Are we going backward or forward? Is the Senate to believe the President and fight for a program which gives children, in the first 5 years of life, some chance for nutrition, some chance for reading and education, some chance for emotional and other kinds of strength which children must have, to avoid being destroyed?

The pending amendment would not only fail to add new positions, but would also strike approximately 180,000 children from the Headstart programs of this country. This reduction would occur even though now only 10 percent of the disadvantage children under age 6 are receiving any benefits under the Headstart program.

It seems to me to respond in that way is to regard the President's words as mere rhetoric, to take away those opportunities for many children in their first 5 years of life, to go backward rather than forward. That certainly makes a mockery of the President's words, and it denies to thousands and thousands of American children any hope for a meaningful opportunity in life.

Mr. President, I ask unanimous consent that a table which estimates the approximate number of children that may be stricken from the Headstart program, together with the committee proposal, be printed in tthe RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUMBER OF CHILDREN SERVED BY HEADSTART, BY STATE, BY TYPE OF PRDGRAM IN FISCAL YEAR 1969, AND ESTIMATED NET LDSS OF HEADSTART OPPDRTUNITIES UNDER THE ADMINISTRATIDN BUDGET, BY STATE

State	Summer program	Full-year program	Estimated decrease under administration proposal for fiscal year 1970
Alabama	14,290	5,676	4,700
Alaska	375	1,141	125
Arizona	4,315	1,062	1,150
Arkansas	13,014	3,045	4,300
California	14,194	16,623	4,700
Colorado	3,383	3,747	1,100
Connecticut	3,255	2,130	1,100
Delaware	1,191	643	400
District of Columbia	3,515	2,405	1,200
Florida	10,364	6,724	3,400
Georgia	17,047	3,135	5,700
Hawaii	1,630	960	550
Idaho	1,145	1,130	350
Illinois	28,007	9,218	9,300
Indiana	6,485	4,198	2,150
Iowa	4,325	1,717	1,450
Kansas	2,338	1,999	770
Kentucky	18,348	3,689	6,100
Louisiana	15,076	4,893	5,000
Maine	3,573	647	1,200
Maryland	5,478	1,853	1,800
Massachusetts	5,046	4,467	1,700
Michigan	17,604	3,464	5,900
Minnesota	7,999	1,738	2,700
Mississippi	325	29,253	100
Missouri	10,911	6,293	3,600
Montana	360	976	100
Nebraska	1,475	1,568	500
Nevada	675	140	225
New Hampshire	2,567	229	850
New Jersey	10,924	4,731	3,600

NUMBER OF CHILDREN SERVED BY HEADSTART, BY STATE, BY TYPE OF PERSON IN FISCAL YEAR 1969, AND ESTIMATED NET LOSS OF HEADSTART OPPORTUNITIES UNDER THE ADMINISTRATION BUDGET, BY STATE—Con.

State	Summer program	Full-year program	Estimated decrease under administration proposal for fiscal year 1970
New Mexico	3,744	1,685	1,200
New York	31,855	10,458	10,600
North Carolina	24,428	3,870	8,100
North Dakota	1,441	60	500
Ohio	20,834	7,691	7,000
Oregon	1,690	810	580
Oklahoma	8,653	4,737	2,900
Pennsylvania	12,510	10,186	4,200
Rhode Island	1,003	725	350
South Carolina	16,855	3,283	5,600
South Dakota	1,407	477	450
Tennessee	20,578	4,889	7,000
Texas	30,744	13,360	10,000
Utah	728	1,011	250
Vermont	1,443	500	500
Virginia	9,760	1,916	3,300
Washington	2,632	2,659	900
West Virginia	8,983	2,430	3,000
Wisconsin	4,132	2,444	1,400
Wyoming	1,539	495	500
Puerto Rico	6,715	6,013	2,200
Virgin Islands	500		200
Guam		250	
Trust territories	2,690	280	850
Indian grants	2,011	6,991	700
Migrant	760		250
Total	446,899	216,714	

COMMITTEE BILL PREVENTS HEADSTART CUTBACKS

The Committee bill seeks to prevent an impending cutback of 180,000 Head Start opportunities by increasing authorization by $120 million in FY 1970 and $240 million in FY 1971.

Background

There are 6,000,000 disadvantaged American children under age six. Last year only 668,000 of them were able to participate in Head Start and receive the nutritional, educational and health services they need. A cutback in this program—which currently serves only about 10% of the preschool children in need—cannot be justified.

Impending cutback

Administration proposals call for substituting full-year Head Start programs for many of the summer Head Start programs currently being funded. This substitution, which the Committee supports, is based on OEO's conclusion that "evaluative evidence gathered so far suggests that full-year programs are more effective than summer in fostering sustained developmental gains."

But because full year programs cost about $800 more per child than summer programs, if this substitution occurs without increasing the Head Start budget, there will be 180,000 fewer Head Start opportunities this year than there were last year.

NUMBER OF CHILDREN SERVED BY HEADSTART IN FISCAL YEAR 1969, AND UNDER ADMINISTRATIDN BUDGET FDR 1970

	Fiscal year 1969	Estimate, fiscal year 1970	Increase or decrease under administration budget
Full year	214,000	249,800	+35,800
Summer	450,000	225,000	−225,000
Experimental	0	9,700	+9,700
Parent and child centers (families)	3,600	3,600	0
Total	667,600	488,100	−179,500

Committee proposal

The authorization increases in the Committee bill would permit the shift from summer programs to full year programs to

occur without requiring a cutback in the number of children served.

Based on estimates that 300,000 of the current 450,000 summer Headstart slots could be converted to full-year programs in the next two years, at a net Federal cost of about $800 per slot, this conversion would ultimately cost approximately $240 million. The Committee authorizations are intended to permit sufficient funding to cover the initial costs of conversion in FY 1970, and the full cost of converting 300,000 slots in FY 1971.

The Committee believes it would be unwise and unfair to force a 27% reduction in the number of children served by Headstart by denying these needed authorization increases.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I do not want the RECORD to stand as though the Senate of the United States is acting like some kind of heartless fascist stepping on the heads of poor children. I think both the Senator from Wisconsin and the Senator from Minnesota know better than that.

Mr. NELSON. Mr. President, did I suggest anywhere here that Senators are a bunch of fascists stepping on the heads of children?

Mr. DOMINICK. I would say the Senators left the general impression that what we were doing was cutting off funds for poor children all over the place.

Mr. NELSON. Does that make somebody a fascist stepping on children's heads?

Mr. DOMINICK. The Senator from Wisconsin did not use those words; I did.

Mr. NELSON. I will say the Senator did, and he had better learn what the words mean.

Mr. DOMINICK. The $2.048 billion we have for fiscal 1970 was increased in committee by $100 million for fiscal 1971. We have $2.148 billion, an amount that is not even being touched by this amendment; in addition to which, if my amendment is adopted, we will be adding another $292 million to the $2.148 billion.

So we are adding to the money authorized for expenditures for fiscal 1971, $392 million over what it will be for this year, fiscal 1970.

Anybody who says that we are not supplying children and other facilities with needed funds and authorizations for funds just really is not looking at this amendment the way he ought to. A strong emotional appeal has been made against this amendment but it ignores practical realities. We cannot spend that much money.

We are talking about adding $7 million for special impact programs; $120 million for Headstart; $16 million for legal services; $40 million for comprehensive health services; $75 million for emergency food and medical services; $1,600,000 for senior opportunities; $7.5 million for migrants; $25 million for day-care centers; in addition to the $100 million which the administration can use anyway it wants to in fiscal 1971.

So I do not take very kindly to the idea that we are depriving children of one thing after another.

What is the effect of the amendment? It has the net effect of saying we are going to add on to the authorization for fiscal 1971 a total of $392 million.

Mr. JAVITS. Mr. President, I would like to speak to the Senate with the greatest feeling of confidence in my colleagues, because this is a very human and deep thing that we are discussing now. Some of you may have been surprised that I voted with Senator DOMINICK on the last amendment. It is not of character for me, as the Senate knows; but I am handling the bill, on this side, for the administration, and having put the bill in under certain concepts, which I will explain to the Senate, I felt it was my duty, if I were to be trustworthy, to be faithful to those principles.

I know the Senator from Rhode Island (Mr. PASTORE) is smiling at me. He has been in this position many times before, himself.

The position of the administration was, and is, that $2.048 billion, which is the authorized amount, and which Senator DOMINICK's amendment did not challenge, represents its allocation of national priorities for the purpose of a poverty bill.

I am satisfied that within the administrative framework they have erected, in which the OEO is now a staff agency, essentially, rather than a line agency—and that most of the programs, as they mature and develop, are going to be turned over, as they have been in the case of the Job Corps and Headstart, to line agencies of the Federal Government—the $2.048 billion is about the right figure that they can handle and spend intelligently.

The add-ons, coming as they would, with only about 6 or 7 months left to put additional amounts into programs made me question whether they could be put to meaningful use.

That is coupled with the fact that we have big problems in education, which can use more money, which helps roughly the same people, the poor. We have massive problems with hunger and malnutrition, for which the Senate has voted a much bigger amount than the House may be willing to support. Appropriations may be competing, as it were, with poverty appropriations.

For all those reasons, I thought the network of money which would be available to the poor would be improved and benefited by the fact that I tried to encourage the administration rather than discourage it in respect to the plan which it has with regard to the OEO.

I do not believe, however, that these considerations apply to the amendment which the Senator from Colorado (Mr. DOMINICK) has now proposed to the bill; and I shall vote against it. There it is possible, and entirely practicable, to gear the OEO to higher standards in terms of its ability to utilize the amounts of money involved in the second year. I deeply believe the amounts are justified by the needs to be met.

I think the arguments which our colleagues have made, with respect especially to resources which go to children, are important, and can be deployed and well used as this type of administration—as I say, the OEO is now a different kind of agency—settles down and gets going.

The orders of magnitude are large. The Senator from Colorado (Mr. DOMINICK) is absolutely right when he says $300 million is a lot of money; but we have also enormous needs to fill, in critical areas such as Headstart and day-care centers. Day-care centers tie into the whole welfare plan which the administration itself has authored.

In addition, it is very significant, it seems to me, that notwithstanding my sponsorship of the administration's bill, I feel perfectly free to be against this amendment, because I think that, as to the year 1971, the plans of the administration—though I am not speaking for them in my opposition to this amendment—can accommodate intelligently, feasibly, and usefully the sums which have been added on here.

Therefore, Mr. President, I believe that at least for the authorization phase—after all, as the entire Senate knows, this matter still has to run the gauntlet of appropriations in due course—we ought not to cut off these opportunities which are available in the war against poverty at this particular point, in respect to fiscal year 1971; and I believe that that is a consistent position, in view of the approach which the administration has now taken with respect to OEO. I see nothing inconsistent, and I shall vote accordingly. I voted for the Dominick amendment insofar as it related to 1970, where I think there is a real question of practicability during changeover. On the other hand, by fiscal 1971 the changeover will have been made and I am satisfied that the resources which we would authorize may be very effectively, feasibly, and practically used.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I ask that the Chair direct attachés to take seats or leave the Chamber.

The PRESIDING OFFICER. The attachés will please be seated.

Mr. JAVITS. Mr. President, I said when I began that I was speaking in a most intimate way to the Senate, and I feel that way. I know it is very public, and there is nothing secret here, but in the sense of personal feeling and personal warmth on the subject, I did wish to communicate this point of view to the Senate.

To give just one example that happens to be, in my judgment, one of the most relevant, in March of 1967 there were 4½ million working mothers with children under 6 years of age. There are today only 531,000 spaces in licensed day-care centers and family homes which are equivalent to day-care centers—roughly speaking, as Senators can see, but between 10 and 12 percent of the need is actually being served.

Those of us who have had experience in government know that it takes time to get organized for a job; that when

you change over an agency such as the OEO, there is a time lag in adjusting it to its new responsibilities. But I believe 1970 gives adequate time for that process to take place, and that in 1971 we ought to begin to endeavor to more nearly accomplish many of these things which need to be done. That is the purpose of the add-ons and that is why I feel constrained to vote "no" on the amendment proposed by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I shall be very brief.

If adopted, this amendment, will combine the additional $100 million with the $292 million that will be there. We will be providing about 15 percent additional funds for 1971 over those authorized for 1970. It strikes me that this is a pretty substantial improvement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Ilinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 33, nays 47, as follows:

[No. 124 Leg.]

YEAS—33

Allen	Ervin	Long
Allott	Fannin	McClellan
Baker	Goldwater	Miller
Bellmon	Griffin	Mundt
Bennett	Gurney	Pearson
Boggs	Hansen	Spong
Byrd, Va.	Holland	Talmadge
Byrd, W. Va.	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.

NAYS—47

Aiken	Hatfield	Pell
Anderson	Inouye	Prouty
Bayh	Jackson	Proxmire
Bible	Javits	Randolph
Burdick	Kennedy	Ribicoff
Cannon	Magnuson	Saxbe
Church	Mathias	Schweiker
Cooper	McGovern	Scott
Cranston	McIntyre	Smith, Maine
Eagleton	Metcalf	Sparkman
Ellender	Mondale	Symington
Fong	Montoya	Tydings
Gore	Moss	Williams, N.J.
Gravel	Nelson	Yarborough
Hart	Packwood	Young, Ohio
Hartke	Pastore	

NOT VOTING—20

Brooke	Goodell	Muskie
Case	Harris	Percy
Cook	Hughes	Russell
Dodd	Mansfield	Smith, Ill.
Dole	McCarthy	Stennis
Eastland	McGee	Stevens
Fulbright	Murphy	

So Mr. DOMINICK's amendments were rejected.

PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire of the distinguished acting majority leader whether he knows of any other amendments and also what will be the next order of business.

Mr. KENNEDY. As I understand, the Senator from Vermont (Mr. PROUTY) has an amendment. I do not know at this time whether there will be a rollcall vote on that amendment.

Mr. PROUTY. There will not be.

Mr. KENNEDY. The leadership does not know whether any Senator is going to request a rollcall vote on final passage.

Mr. NELSON. We will ask for a rollcall vote on final passage.

Mr. KENNEDY. It is my understanding that at this point in time the Senator from Vermont has an amendment and that there will not be a rollcall vote on the amendment. There will be a rollcall vote on final passage.

Mr. JAVITS. There may be one other amendment.

Mr. KENNEDY. There may be one other amendment.

Then following final passage tonight, we will lay before the Senate the Eisenhower dollar minting measure, which will then be the pending business, that bill will be brought up for debate tomorrow. The Senate will convene at 12 noon tomorrow. After the disposition of that measure, the Senate will proceed to consideration of the two measures on the calendar dealing with potatoes, orders Nos. 412 and 414.

Mr. SCOTT. I understand that no votes are expected on the Eisenhower dollar matter tonight.

Mr. KENNEDY. There will be no votes on the Eisenhower dollar matter this evening.

Mr. DOMINICK. There will be a vote tomorrow.

Mr. SYMINGTON. Will there be a vote on the amendment that the distinguished Senator from New York mentioned?

Mr. JAVITS. We really do not know. We hope not, but we do not know.

Mr. KENNEDY. So there definitely will be a rollcall vote on final passage of the pending bill. There is the possibility of a vote before, and then we will lay before the Senate the Eisenhower dollar matter.

NATIONAL SCIENCE FOUNDATION APPROPRIATIONS AUTHORIZATION

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1857.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, which were to strike out all after the enacting clause, and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $474,305,000.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pusuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

SEC. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons,

found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

SEC. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

And amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1857 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. EAGLETON, Mr. NELSON, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER conferees on the part of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, strike out line 25, and insert in lieu thereof the following: "15 per centum for the fiscal year ending June 30, 1970 and 20 per centum thereof"; and.

Mr. PROUTY. Mr. President, section 616 of the Economic Opportunity Act of 1964, as amended, provides that up to 10 percent of the funds earmarked for one program may be transferred to another program. It also specifies that no program may be increased by a transfer of funds of more than 10 percent.

Realizing the restrictiveness of these original provisions, the committee made some very significant changes by allowing for a 15-percent transferability rate and by removing the limitation on funds that can be added to any particular program.

However, I do feel that the revision of section 616 now in the committee bill does not go far enough, especially in relation to the second year. This is so because it does not give the Director any additional flexibility in the second year to continue a shift in focus already started through a transfer in funding from one program to another.

As the committee bill is now written, the same level of funds is earmarked for the first and second year. Section 616 as revised would allow up to 15 percent of any program's funds to be transferred to another program. This would be done at the discretion of the Director to indicate a desire to strengthen certain programs that have proved successful or that are in need of reinforcement. However, once the Director had made such a decision, the revised version of section 616 would not allow him to carry through this change in emphasis during the second year. The Director would be forced to look at the level of funds earmarked which are the same as the first year and would again only be allowed to transfer up to 15 percent. This would mean that virtually the same level of funding would be locked in even if the Director wished to shift the focus more during the second year than the first. If we are to make OEO truly an innovative agency capable of meeting the needs of the poor, I think we must give the Director our full support by allowing him additional flexibility.

Mr. President, this amendment simply provides for a 15-percent transferability for the current fiscal year and 20 percent thereafter. I, therefore, propose that we change to 20 percent the rate by which the Director could transfer funds during the second year.

Mr. NELSON. Mr. President, we debated this issue in the committee at some length. The Senator took the same position in the committee. We insisted on 15 percent the first year and 20 percent the second year. There is some rationale in support of the Senator's position I am prepared to accept the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. JAVITS. Mr. President, I think this is a most constructive amendment. Now that we see the shape of the bill, including the retention of the earmarking and the disposition we just made of the amendment on the add-ons, the Prouty amendment really becomes essential to intelligent administration. I believe that the manager of the bill has come to the right conclusion, and I join him in it. We will do our best to retain it in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of section 242 of the Act add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. NELSON. Mr. President, let me make a brief explanation.

When the amendment offered by the Senator from California (Mr. MURPHY) was adopted, it provided for veto power by the Governor over any item in the legal services program, with no appeal from that whatever. This amendment simply proposes that the President of the United States shall have the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and further purposes of this title.

It seems to me that there ought to be some escape valve; and if that authority is given to the President, rather than to the Director of the Office of Economic Opportunity, we are sure that it will only be exercised in cases of compelling necessity.

Mr. JAVITS. Mr. President, will the Senator yield

Mr. NELSON. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin has explained the essence of the amendment. The real impact of the amendment is this: If we did nothing before the bill leaves here, this would be the only OEO program which is subject to absolute veto by the Governor. When it was proposed to me that this just ought to be revised—the suggestion was made that the Director again be given this authority. I vetoed that. I do not think that would be fair to the Senator from California (Mr. MURPHY), and I am a little embarrassed that he is not here. But we are about to lock up the bill, and nothing can be done about it.

So I felt that by making it the President, especially this President, every Member would feel some assurance that this is not going to be handled lightly. But I do feel that there is force to the argument that inasmuch as this is the only program in the OEO that a Governor can absolutely veto, at least somewhere there ought to be a way of avoiding a really unjust solution. Obviously, there is no higher authority in our land. Considering the attitude of President Nixon with respect to this program—it is a 2-year program, so that it expires within his term—it seems to me that should make Members feel a sense of assurance with respect to the effort of dealing with a manifest injustice.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Has the Senator from California (Mr. MURPHY) been advised that this emasculating amendment is being offered?

Mr. JAVITS. I have no way to advise him. I think he is on a plane. I am embarrassed about it. The bill is about to be locked up. I have done the best thing I can think of and that is to put the authority in the President. There is no higher authority. It inspires confidence. I have explained the situation.

The PRESIDING OFFICER. (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President I wish to ask the Senator from New York a question. This amendment giving the power to the President to override the decision of a Governor would that not be a del-

egable authority? Could he not then delegate that authority to the head of the department and we would then be back where we started?

Mr. JAVITS. I do not think that he could escape the responsibility in that way. He could call up the Director and say "should I override the Governor."

Mr. ALLEN. Would it not be possible, as soon as this measure is enacted and becomes law, for him to issue an Executive order placing the authority back in the hands of the Director?

Mr. JAVITS. I will be a conferee on the bill and if this amendment is agreed to and there is any legal question about that, I will do my utmost to lock it in. I could not see any President delegating to any other official the authority to override a Governor. Therefore, I can assure the Senator the intent is clear. It must be a decision made by and signed by the President.

Mr. ALLEN. Would the Senator object to adding the words "the nondelegable authority"?

Mr. JAVITS. I would not object. I am very embarrassed. If the Senator from Alabama and the Senator from Florida feel that is a fair disposition and we would not have a rollcall vote on it, I would accept it.

Mr. ALLEN. I think that is prudent. I feel the Senator from California (Mr. MURPHY) felt so strongly about this matter. I heard him on the floor of the Senate speak with considerable emotion when he discussed the fact that he had asked for a postponement of the bill for 1 week and he did not get that postponement. He felt very strongly about the amendment, and I would hate to see the Senate emasculate the amendment that the Senate adopted by a rollcall vote.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. Mr. President, I have a copy of the transcript. I cannot speak for the Senator from California. I am sure he would be the first person to agree with that. Earlier in today's debate, the manager of the bill asked the Senator from California how his amendment related to the Director's ability to override a Governor's veto and the Senator from California said, "I am unclear on that." The key point is that the Murphy proposal as presented earlier dealt with the line item veto legal service proposals.

Mr. HOLLAND. Mr. President, not only do I feel that the Senate should not act to emasculate the amendment of the Senator from California in his absence and without his knowledge, which we just voted on a little while ago before he left, but it seems to me that those of us who voted for it are left in a completely difficult situation by the offering of this amendment.

I discussed this matter with the Senator from Wisconsin at noon. The one feature of the OEO which has been most aggravating to the people of our State has been this legal setup. The Senator spoke of the fact that our bar association is very strongly against it. They are against it after they have seen it work. I see my colleague in the Chamber and I am sure he will recall that has been the case.

I do not think we should emasculate the Murphy amendment when he is not here. I do not think it is fair and we should not do it.

Mr. NELSON. Mr. President, I wish to say as to that that the Senator from California (Mr. MURPHY) is a very distinguished and helpful member of the committee that drafted the bill and conducted the hearings. This bill has been pending before the committee since April 15 of this year. He is on the committee. We had extensive hearings and markup sessions. Ten days ago we voted to report the bill to the Senate. It is not as though it was a Senator who is not a member of the committee.

Mr. HOLLAND. Will he be on the conference?

Mr. NELSON. He will be on the conference.

Mr. HOLLAND. Will the Senator agree with me that if he does not agree to that in conference this will come off the bill?

Mr. NELSON. I, speaking for myself, do not think I could. I do not know if anyone else would do that. I did not agree with him in the first place.

We discussed and debated legal services in the committee. I never saw the amendment until the moment it was brought to the floor of the Senate, so it was brought to my attention at the last moment.

I regret the Senator had commitments in California during the business week. He had them and he kept them.

I do not think it is unfair to the Senator any more than it was to me when I saw the amendment for the first time today. It is just one of those things that happen. We debated this in committee; that is, the Legal Services aspect.

I think it is really pretty strong language when it is said that only the President could override a Governor. He would never do that for trivial reasons. This is the only program within the entire OEO bill in which he could override the Governor's veto. So the amendment which makes it nondelegable only allows the President to act in a very important case in which the President thought that he was prepared to override the veto of the Governor of a State. That is pretty strong action, but it is a safety valve for some circumstances that might arise.

Mr. GURNEY. Mr. President, I came in at the end of the colloquy, but I heard my senior colleague from Florida mention something about some experiences we had in the State of Florida with Legal Services. I support him in what he said. It was an unholy mess all the way through. It satisfied no one except the legal staff of the OEO. Both Republicans and Democrats opposed it and finally we had to get the bar association to bail it out. It was more in the way of agitation and stirring up trouble than lending legal services to others. I strongly support the statement of my colleague. It was a complete disaster.

Mr. HOLLAND. If the Senator will yield to me, I thank my distinguished colleague for his statement. I was sure he would recall the experience because the matter became quite notorious in Florida.

This bill was reported during the adjournment of the Senate on Friday afternoon. Yesterday was the first day it could have been brought up. It seems to me that when the Senator from California stayed here, offered his amendment, it was debated and then voted upon in a rollcall vote on the floor of the Senate and then adopted and he left, and while he is still in the air, for Senators to offer an amendment which, in effect, can emasculate what the Senate has already done is not fairplay and not the way the Senate would want to work. So far as I am concerned, I cannot support the amendment. I hope it will be withdrawn. I would support it on only one assurance, that the conferees were to assure the Senate, in the event the Senator from California would not agree to this, or some rewriting of it in conference, where he will be a conferee, that they, too, will take that position. It seems to me, under the circumstances, that is the only way we would be justified in reversing what we have done already.

Mr. NELSON. I would not want to be in the position of suggesting that I was being unfair to the Senator. Everyone has a right, when we are in business in this Chamber, to be here and participate in the business pending before the Senate, and if he has a commitment elsewhere in his State, and he goes out to it, he cannot complain because another Senator thinks we are being unfair to him because he presented something to the Senate for action, which was a complete surprise to me, and then after action is taken, he leaves town. I do not believe that to be unfair at all.

I respect the inclination of the Senator from Florida to protect the interest of the Senator from California. I would be pleased to have him on my side under a similar circumstance. I am prepared to change what I said to him. I will, if the Senator will not agree to any modification in conference, support his position on it.

Mr. HOLLAND. With that assurance, I will withdraw my objection. I hope the request for a rollcall vote will be rescinded, and I ask unanimous consent that that may be done.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Is there objection?

Mr. JAVITS. Mr. President, let me say that I am the ranking member and——

Mr. ALLOTT. Mr. President, I want to reserve the right to object, when the Senator from New York has finished.

Mr. JAVITS. I will be happy to yield now. I appreciate what the Senator from Wisconsin (Mr. NELSON) has said. I will sustain that position. I am very much embarrassed by the situation. We do face a situation and not a theory. Unless there is something in the bill on which the conferees can act, even if the Senator from California (Mr. MURPHY) would agree, the situation would help none of us because it is hardly likely that a matter like this would be handled specially. Therefore, I think that the Senator from Wisconsin (Mr. NELSON) has shown a spirit of splendid comity in taking the position he has and I join him and believe that in that way, the rights and sensibilities of the Senator from California will be fully protected.

Mr. HOLLAND. I want to thank the Senator from Wisconsin and the Senator from New York.

Mr. President, I again renew my unanimous-consent request that the rollcall vote decision of the Senate of a few minutes ago be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object—and I do not know whether I shall or not—first let me say that since the Senator in charge of the bill was facing in the other direction, we could not hear him.

As I understand the situation, the Murphy amendment was agreed to by a rollcall vote and we are now confronted with an amendment which, in effect, would emasculate it.

Now I should like to ask the Senator in charge of the bill whether he would state clearly what the understanding is. As I understand it, number one, the Senator from California (Mr. MURPHY) will be one of the conferees and, second, that if——

Mr. JAVITS. He is already one, as chairman of the subcommittee.

Mr. ALLOTT. If the Senator from California does not agree with the present form of the amendment upon which it is now desired to recall the yeas and nays, the Senator in charge of the bill and the conferees—that being the Senate's position—will revert to the Murphy amendment and that will be the position of the Senate in the conference. Is that correct?

Mr. NELSON. That will be my position. I do not know whether all the conferees are here now, but if the Senator from California (Mr. MURPHY) does not want any modification and wants to stick with his amendment as is, I shall support him in conference.

Mr. JAVITS. Mr. President, I shall do the same. The Senator from California will be a conferee because he is the ranking minority member of the subcommittee. And the Senator from Vermont (Mr. PROUTY) feels the same way, I know.

Mr. ALLOTT. Mr. President, I know that I cannot yield to the Senator from West Virginia (Mr. RANDOLPH), but I can yield the floor and then I may object, but first I wish to find out what the Senator from West Virginia has to say.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. JAVITS. Let us withdraw the request.

The PRESIDING OFFICER. The Senator from Florida has the floor. Is there objection to the request of the Senator from Florida?

Mr. PASTORE. Reserve the right to object and then talk.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I reserve the right to object, I will be a member of the conference. Senators joined with the House in consideration of the two measures that will be before us.

I have heard that the distinguished Senator from Wisconsin has said, that he binds himself but does not bind other Senators who will be conferees.

I want to assure Members of the Senate that I would also wish to bind myself in the agreement that has been made here this afternoon.

Mr. HOLLAND. Mr. President, I thank the Senator from West Virginia. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. NELSON. Mr. President, I do not know whether the distinguished Senator from Alabama (Mr. ALLEN) offered an amendment.

Mr. ALLEN. Mr. President, I understood that the Senator from Wisconsin accepted the position, making the amendment read, nondelegable.

The PRESIDING OFFICER. Does the Senator request that his amendment be so modified?

Mr. NELSON. I request that it be modified, yes.

The PRESIDING OFFICER. The amendment will be so modified.

The question is on agreeing to the amendment, as modified, of the Senator from Wisconsin.

The amendment, as modified, was agreed to, as follows:

At the end of section 242 of the Act, add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. KENNEDY. Mr. President, in total wealth and in individual opportunity, no nation in the world's history can match the United States. In 1968, our gross national product was $861 billion. Median family income has reached $8,000 a year—almost $2,000 higher than in the country with the next highest standard of living. We are surrounded by the trappings of material wealth—60 million automobiles, 70 million television sets, homes owned by two-thirds of our families.

Despite our aggregate prosperity and national wealth, however, an estimated 25 million Americans still live in serious poverty—without necessities such as food, clothing, shelter, and medical attention which the fortunate of us take for granted; and without the opportunities for education and employment required to enjoy a satisfactory standard of living.

For the last 4 years, the Office of Economic Opportunity has been the focal point for a concentrated Federal effort to combat poverty in America. The problems it has faced have been great. The results it has achieved have been encouraging.

From 1965—when the OEO program began—through 1967, 7 million Americans escaped from poverty status. In 1968 approximately 4 million more Americans rose above the poverty line for that 1 year alone. OEO programs have been an important influence in achieving these results.

In my own State of Massachusetts, OEO programs have meant opportunity and advancement for hundreds of thousands of citizens. As of December 31, 1968, a total of $121 million in OEO funds have been granted to the State.

Massachusetts has 25 community action agencies—organizations formed by local people to help solve problems they have defined for themselves. In Boston, Action for Boston Community Development—ABCD—has developed several area plans and action councils to carry out OEO programs and sponsor economic development. Half of those who govern the CAP agency in Boston are poor, although the national requirement for such participation is only one-third.

In Berkshire County, the community action agency convinced the public schools to hire nonprofessional teacher aides. In Brockton, the CAP increased employment possibilities by getting a revision of civil service regulations so as to allow people lacking high school diplomas to get Government jobs.

Approximately 30,000 preschool children from disadvantaged backgrounds have been enrolled in Headstart since 1966. Five thousand and forty-six children participated in summer Hearstart programs this year.

In Boston's Columbia Point housing project, 6,000 poor persons receive comprehensive medical service from three family health care teams at a neighborhood health center. The project is operated by the department of preventive medicine of Tufts University School of Medicine. Columbia Point's poor residents are being trained at the center and employed as medical assistants and family health care workers. Using the expertise developed at Columbia Point, Tufts is also operating a similar project in Bolivar County, Miss. In the Roxbury district of Boston, another neighborhood health center is operated by Boston University's School of Medicine.

Fourteen legal services programs in Massachusetts have received OEO funds. They include 11 community legal services projects—in Boston, Brockton, Cambridge, Chelsea, Fitchburg, Hyannis, Lowell, Lynn, New Bedford, Springfield, and Worcester. They also include a statewide experimental defender program in criminal law, and research and demonstration projects on poverty law conducted by Harvard and Boston Universities. Close to 300,000 low-income citizens have received legal assistance.

Over 1,900 young men and women—persons who were once hard-core social dropouts with no productive future—were trained by the Job Corps.

About 60 VISTA volunteers are now working in Massachusetts—helping Spanish-speaking school parents to organize in Boston's South End, organizing consumer cooperatives and credit unions, helping the handicapped in Fall River, working with delinquents in Worcester, and so forth. Close to 200 Massachusetts residents presently are working as VISTA volunteers throughout the Nation.

These and many other successful projects, in Massachusetts and across the Nation, have shown the potential and the effect of OEO. Much has been ac-

complished by Federal antipoverty programs. But more, much more, remains to be done.

In the United States today, 5.1 million Americans live in families whose yearly household income is less than the equivalent of $1,200 for a family of four. According to OEO, 1.3 million of these very poor have no cash income at all.

Another 9.3 million Americans live in families whose incomes are less than the equivalent of $2,400 per year for a family of four.

An additional 10.6 million have incomes between $2,400 and $3,600.

Even in Massachusetts, which has one of the highest per capita incomes among the States, one person in 10 lives in poverty. In 1965, Massachusetts had a per capita income of $3,050, and ranked ninth among the 50 States. The number of poor was estimated at 539,000, of the State's population at that time of 5,361,000. Two years ago Lowell, Fall River, and New Bedford were classified as areas of persistent unemployment—with an average of 6.2 percent compared to the national average of 3.8 percent. Massachusetts ranks 26th in the Nation in the number of persons below the poverty line.

For the Nation as a whole, the latest estimate of the Census Bureau is that 25,400,000 Americans—13 percent of the population—are living in poverty. Forty-two percent are children under 18. Eighteen percent are senior citizens over 65. The estimate is based on a newly established poverty line of $3,553 per year as the minimum income needed by a nonfarm family of four to live above the poverty level.

If anything, the line seems low. For the above figure of $3,553 works out to be only $2.42 a day per person for all of his personal needs—food, clothing, housing, medical care, and all other expenses. More realistically, perhaps 40 million Americans are poor or near poor.

Once caught in the poverty cycle, it is difficult to escape. As psycologist Ira Goldenberg has said:

> Poverty is a psycological process which destroys the young before they can live and the aged before they can die. It is a pattern of hopelessness and helplessness, a view of the world and oneself as static, limited and irredeemably expendable. Poverty, in short, is a condition of being in which one's past and future meet in the present—and go no further.

It is a paradox of our times that the richest nation the world has ever known has so many of its people living in serious poverty. It is also an outrage. It is a situation which we must continue to give our highest priority.

I am sure that all of us in this Chamber agree on the need for strong and effective Federal antipoverty programs. I am sure that most of us agree on the need for extension of the Economic Opportunity Act. If there is disagreement, it is not on whether to have the bill, but rather on what the bill should contain.

I support S. 3016 as it has been reported from the Committee on Labor and Public Welfare. As a member of that committee, and of the Subcommittee on Employment, Manpower, and Poverty, I have followed the bill closely. I think that it is a good bill. I would like to comment briefly on several aspects.

First, I support the funding level of $2.34 billion for fiscal year 1970 and $2.732 billion for fiscal year 1971. When we consider the extent of poverty, this is a modest sum indeed. It works out to be approximately $100 per year for each of our Nation's 25 million poor.

Just a few weeks ago, the Senate passed a military procurement authorization of $21 billion to protect our people from military aggression. The Senate authorized going ahead with an anti-ballistic-missile system which eventually will cost a minimum of $15–20 billion and probably much more.

Authorizations of $2.3 billion and $2.7 billion are equally justified to protect our people from poverty. Antipoverty programs deserve as high a priority as the military programs recently acted on by the Senate. If we cannot solve our problems at home; if we cannot give every American the opportunity for a fair, decent living; if we cannot meet the challenge of poverty in our cities and our rural areas—if we fail in these endeavors, we will have failed as a nation.

Second, I support the approach of earmarking specific funds for specific programs. We in Congress have had an opportuntiy to follow OEO, and to assess the success or failure of particular programs and approaches. It is appropriate that we give the Director of OEO guidance as to how Congress thinks the money can best be spent. By the time this bill passes both Houses of Congress and is signed by the President, there will be perhaps 1½ years left to run on the Economic Opportunity Act. The earmarkings will guide the Director for that period of time.

The bill also gives the Director flexibility. Several hundreds of millions of dollars are unearmarked at all, and the Director has discretion to transfer up to 15 percent of the funds earmarked for any program to any other program or activities.

Third, I favor increasing the authorization for comprehensive health services to $120 million for fiscal 1970 and $160 million for fiscal 1971. I offered the amendment in committee to raise these authorizations. Much higher levels can be justified, but I think that these compromise levels are a good first step in strengthening one of the most effective OEO contributions.

At present, there are 49 neighborhood health centers serving 1 million persons. 350,000 persons have actually received benefits.

But it is estimated that over 15 million persons could be served by the traditional neighborhood health center facility. Millions of others could be served by innovations and variations on that basic approach.

OEO has received applications from over 200 communities for traditional neighborhood health centers. To be fully operational, each center would require a Federal outlay of $2 million a year.

In addition, OEO could use an additional $100 million not for traditional centers but for innovation and experimentation in expanding the neighborhood health center concept. Work is necessary to adapt the approach to rural areas, to encourage medical schools to provide neighborhood health services, and to bring the approach into hospital inpatient and outpatient programs.

S. 3016 will permit modest expansion of the comprehensive health services.

Fourth, I favor expansion of the special impact program of title I D of the Economic Opportunity Act. I offered an amendment which was accepted in committee and is contained in the present bill to authorize funding levels of $54 million for fiscal 1970 and $60 million for fiscal 1971.

The special impact program has been immensely successful in mobilizing community resources and promoting community development. One of the most constructive features has been attracting outside business to locate in poverty areas and supply jobs and training for residents of those areas. The successes of the Bedford-Stuyvesant project in Brooklyn and the Hough project in Cleveland have set an example which has been duplicated in several cities and rural areas and can be applied much more broadly.

At present, OEO has applications for $93 million for 81 communities. One-hundred and seventy other community groups intend to submit proposals. Increased authorizations will allow a few of these requests to be funded.

Fifth, I support the specific authorization of $10.4 million in fiscal 1970 and $12 million in fiscal 1971 for the senior opportunities and services program. Again, I offered in committee the amendment which set these authorization levels.

In the United States today 20 million Americans are 65 or over. Forty percent of them are poor or near poor. Five million fall below the poverty line.

Two hundred and seventeen programs are funded at the present time. However, OEO has received over 300 new proposals, totaling in excess of $12 million. The new authorizations would allow a few of these additional requests to be funded.

Sixth, I think that the funding levels of $100 million for fiscal 1970 and $175 million for fiscal 1971 for emergency food and medical services is extremely important.

As a member of the Select Committee on Nutrition and Human Needs, I have seen and heard extensive testimony on the seriousness of the hunger and malnutrition problem. It is clear that Federal efforts to date have been insufficient. The food stamp and commodity distribution programs each serve only 3.2 million poor persons, for a total of 6.4 million of the currently estimated 25 million poor and 13 million near poor. Thus these programs reach only 26 percent of the 25 million below the poverty line—whose incomes place them in substantial danger of being malnourished. The select committee has estimated the "food income gap" to be $5.2 billion.

The initial Senate bill to extend the Economic Opportunity Act called for an expenditure of $1 billion for emergency food and medical services. This was later reduced in committee to $300 million, and

finally to these authorization figures. There is evidence that OEO could use far greater sums. I hope that the Senate will at least approve the more modest figures in S. 3016.

Seventh, I support expansion of the legal services program. These projects have been extremely helpful in bringing free legal counsel to poor and minority groups—persons who, without such assistance, would be precluded from exercising their legal rights. But at the present time, still only 15 percent of the poor have access to legal service or VISTA lawyers. Last year over 100 communities had applications turned down for lack of funds. The authorizations in the present bill would enable the program to reach a size which was called by the American Bar Association to be "absolutely the minimum acceptable."

Eighth, I support expansion of the Headstart program. At present, Headstart serves only 10 percent of the disadvantaged children under six who should be offered child development opportunities. We have received increasing evidence that the first few years of life are critical if a child is to reach his full potential later on. The program has been a success. It should be continued and expanded.

Ninth, I am disturbed that the day care program under title V B of the Economic Opportunity Act has never been funded. If we are going to encourage mothers to work, we should offer satisfactory child care arrangements while they are on the job. That is why Congress passed title V B in the first place. And that is why I support funding of the program which we passed 2 years ago.

Finally, Mr. President, I would like to stress my own very great interest in evaluation of Federal antipoverty efforts. I am pleased that Mr. Rumsfeld, the current Director of OEO, feels that "the evaluation of programs must be one of the most important activities of the Office of Economic Opportunity." Mr. Rumsfeld has indicated that he feels evaluation has been one of the most neglected aspects of OEO, and that broad evaluation of all Federal antipoverty efforts is important. President Nixon indicated that he shares this concern in a recent letter to the chairman and ranking minority member of the Labor and Public Welfare Committee in which he says:

> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation.

The committee report on S. 3016 discusses the importance of evaluation, the need for overall planning, the need for cross-agency evaluation and coordination, the concern of Congress that we be informed about the 5-year national poverty plan, and the importance of strengthening the National Advisory Council on Economic Opportunity. I strongly endorse the committee views on these points, and hope that the administration will be responsive.

Mr. President, the other sections of S. 3016 which I have not elaborated on are also important. Children who are not from low-income families would be able to participate in Headstart projects, if adequate private payments were made. As a member of the Special Subcommittee on Alcoholism and Narcotics, I also endorse the two new special emphasis programs—"Alcoholic Counseling and Recovery" and "Drug Rehabilitation." I agree that the legal services program should be protected from delegation to any other existing Federal agency. I support the other provisions in the bill.

Mr. President, poverty can be eliminated or very subtantially reduced. We have seen impressive gains to date. We must continue to move ahead to insure equal opportunity and hope and a chance for a better living for all Americans. With this spirit and with this commitment, I support S. 3016 and hope that it will be passed by the Senate.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a letter from the Resident Commissioner of Puerto Rico be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., October 13, 1969.*
>
> DEAR SENATOR: During floor debate early this week the Senate will consider the Economic Opportunity Amendments of 1969.
>
> As Resident Commissioner, I represent nearly 2.7 million U.S. citizens living in Puerto Rico, and I want to express my support and endorsement of the concepts contained in the legislation reported by the Senate Labor and Public Welfare Committee.
>
> Two features of the legislation, in particular, provide authority which, if enacted, would be of significant benefit to government personnel in Puerto Rico working on human resources problems.
>
> The first of these is Project Head Start which already provides needed educational, nutritional and health services for our preschool children.
>
> When this is combined with Follow Through, authorized by Title II of the legislation, Puerto Rico has the available means to bolster services at the pre-school and early childhood educational levels.
>
> The second is the reservation of funds under Title II of the legislation to provide $5 million for drug rehabilitation programs. These reserved funds, if added to existing and proposed authorizations, would give authorities in Puerto Rico additional and effective means in our continuing effort to control illicit drug traffic.
>
> I am grateful for your interest in your fellow-citizens in Puerto Rico.
>
> Sincerely,
>
> JORGE L. CÓRDOVA.

Mr. McGOVERN. Mr. President, I rise in support of S. 3016, the economic opportunity amendments of 1969. S. 3016 is a bill which will continue and expand the war on poverty for the next 2 years. It will expand those programs administered by the Office of Economic Opportunity which have been the most successful and the most needed by the poor—Headstart, legal services, neighborhood health services, opportunities and services for senior citizens, day care projects, programs for migrants and seasonal workers, and the emergency food and medical services program.

It is this latter program which has received the greatest expansion in funding under this year's poverty bill.

The emphasis which has been placed upon this program in the bill before us is both well deserved and necessary, for the EFMS Program has helped provide hungry families in hundreds of counties with thes assistance they need to buy food stamps and secure commodities.

In 1964 we declared, in the words of President Johnson, "unconditional war on poverty in America." We launched a campaign to educate, train, employ, house, clothe, provide legal services, a Headstart, health care and family planning for nearly 40 million poor Americans. But what we failed to do in 1964 was to declare war on what is now recognized as the most fundamental aspect of poverty: hunger and malnutrition. We left out of the battle plan for the war on poverty its most important single campaign—the elimination of hunger and malnutrition which afflicts between 10 and 15 million of our 25 million poor.

We passed the Food Stamp Act the same year we passed the Economic Opportunity Act, but we did not think of the food stamp program as part of the war on poverty. We thought of it as a way to help supplement but not meet the food needs of a few poor people and as a way to help the food business. But we did not design it and it has never been administered to fill the food-income gap which is the primary reason for the existence of hunger.

We even defined poverty, in 1964, using the cost of food as the base. Then as now, we say that a family of four whose income is less than three times the amount of money they need for food is a poor family. But when we declared war on poverty we focused upon the two-thirds of that income not related to food.

The Poverty Subcommittee discovered our error in 1967, almost 3 years later. It discovered that no effort to eliminate poverty can ignore the fact that people without enough to eat cannot hold a job or be educated.

We also discovered, in 1967, that the food stamp and commodity programs together served less than 5 million out of 30 million poor. We found that none of those 5 million received an adequate diet and that millions of other could not afford to participate in the food stamp program because they could not afford the cost of stamps. We discovered that most of the poor did not even know about food stamps or commodities and that the administration of those programs was so encumbered by bureaucratic redtape that many who did know could not become certified to participate.

The EFMS program was passed in response to these findings.

As a result, millions of Americans have benefited because the OEO had a mandate to do what the Congress did not give the Department of Agriculture authority to do under its food programs. The emergency food program was designed as both a stop gap and an experiment. As the committee points out, it now operates more than 400 projects covering about 1,000 counties. It has provided food aid in the form of cash or vouchers to purchase food stamps to those who could not afford the food stamp program; it has assisted in the distribution of commodities in commodity counties; and it has provided food

in counties without family food assistance programs. It has provided services such as outreach and transportation and done all these things for the poorest of the poor who are the hungriest and the most desperate in need of help.

Let us look at the record. In its studies and field trips this year, the Select Committee on Nutrition and Human Needs has repeatedly found that the number of poor families who are actually participating in our family food assistance programs is abysmally low. Incredibly, only one of every five poor famiiles that live in counties which have a food stamp program are benefited by that program.

The problem of nonparticipation, even when a program is theoretically available, is particularly acute among families who do not receive welfare. These families are often the poorest of the poor. They do not receive even a modest welfare check. Many of them have never heard of our food programs, and those who have, lack the cash or transportation to do anything about it.

It is a tremendous tribute to the EFMS program that in the counties where it operates, participation by these abjectly poor families is 200–300 percent higher than in non-EFMS counties. I ask unanimous consent that a short table showing that program is doing just that—helping the poorest and hungriest of our citizens, be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PARTICIPATION BY POOR FAMILIES IN FAMILY FOOD PROGRAMS: EFMS COUNTIES VERSUS NON-EFMS COUNTIES[1]

	Food stamp program participation by—		Commodity program participation by—	
	All poor	Non-welfare poor	All poor	Non-welfare poor
Counties with EFMS program	33	30	47	40
No EFMS program—poor counties	15	10	32	24
Nonpoor counties	13	6	24	27

[1] Based on participation in median county in each category as of February 1969. Poor county means 1 of 1,000 poorest counties in United States.

Mr. McGOVERN. Mr. President, it will no doubt be contended that even though the EFMS program has successfully provided emergency assistance to those most in need there is no longer a need for this program since the Senate has already passed a food stamp reform bill.

But that bill has not been enacted into law, and even if it is, there will still be a need for the specific services and experimentation which are at the heart of the EFMS program.

As the committee report points out, the Senate passed food stamp bill provides no funds specifically for the outreach, counseling and instruction of either food stamp or commodity program recipients.

The committee report stated:

The Senate enacted Food Stamp Bill would by no means eliminate the need for OEO's emergency food program.

Success of the reformed food stamp program will depend largely upon the ability of Federal and local agencies to provide outreach—to seek out eligible families, inform them of the program and their right to participate, and see that they are given the opportunity to become certified.

The Senate Food Stamp Bill requires the Food Stamp Program be administered to insure that participants receive the necessary instruction and education so that they can spend their food stamps wisely. It also requires that it be administered to insure that all eligible families are informed of the program and assisted in becoming certified. This outreach and education effort would be conducted through existing Federal, State local and private agencies. The Senate Food Stamp Bill does not, however, provide funds for outreach and education services. Nor does it allocate funds authorized for the program for these purposes.

There is no better mechanism to provide outreach and education services than locally based community action agencies. These are the agencies best equipped to find the poor, inform them of the benefits of food programs, and see that those benefits are provided.

I shall not take further time to detail the other vital functions of the EFMS program. They are fully set forth in the committee report which describes in detail its research and development projects, seeking new ways to combat hunger and malnutrition. As the committee report states, EFMS is not merely a program designed to facilitate the use of other existing food assistance efforts, it is also a creative instrument finding new experimental approaches to feeding the poor and assuring their nutritional well being. This is a function which is performed by no other Federal agency including the Department of Agriculture. Even if there were no further need for emergency food assistance to fill the gap in our food stamp and commodity programs there is no doubt that the increased funds provided by S. 3016 for the EFMS program are needed for research and experimentation alone.

I commend the members of the Senate Labor Committee and particularly the chairman of the Poverty Subcommittee, for they have provided in this bill funds for a successful program which needs expansion and which as much as any other has helped eliminate hunger and malnutrition in this country.

SENATOR RANDOLPH ENDORSES S. 3016, THE OEO EXTENSION BILL, AS HELPFUL IN REDUCING POVERTY

Mr. RANDOLPH. Mr. President, a decade ago West Virginia was being characterized to the Nation as an abysmal pocket of poverty in an otherwise affluent America. Many of the descriptions presented a distorted picture, but it is also true that we were faced with a number of severe economic problems. People came to know how the transition of our principal industry, coal mining, to a highly automated procedure and the effects of a nationwide recession had caused unemployment, social dislocation and a lack of adequate public resources with which to attack these problems.

I am gratified to report that the situation of 10 years ago does not exist in West Virginia today. The unemployment rate has been substantially reduced, new and expanding industry has strengthened our economy, there has been widespread diversification to provide a more resilient base, and heavy public investment has aided in improving the quality of life. Our State still has problems, just as every other State does, but the West Virginia of 1969 is not the West Virginia of 1959. We are a better State.

Much of the progress we have achieved is due to the determination, resourcefulness and diligent work of the people of West Virginia. But they could not have achieved the very difficult turnaround and begun the strenuous uphill climb without the assistance afforded by a number of governmental programs. Such unique ventures as the Appalachian regional development program and the accelerated public works program have been of tremendous importance.

A leading role in ameliorating the problems of West Virginia has been performed by the Office of Economic Opportunity, through its war on poverty Creation of the Office of Economic Opportunity was a bold and venturesome step that generally has brought tangible dividends to the Nation and its people.

Thousands of West Virginia children have profited from the experiences of the Headstart program. Medical programs have helped improve the health of many. People have become involved in public decisions affecting them, and other aspects of the OEO's multifaceted attack on poverty and deprivation have made a direct impact in West Virginia and elsewhere.

There have, of course, been problems encountered in organizing and executing programs of the OEO. This is not unusual in any endeavor of such a magnitude and which approaches its task with the spirit of innovation that has characterized the OEO. The shakedown period is now completed, and the smoothing-out of administrative rough spots is reflected in the proposed legislation now before us. There are safeguards in effect and proposed that will preclude abuses of the humanitarian purposes of the effort to reduce poverty.

The proposed authorizations lean heavily toward provision for programs directly affecting people. Activities like Headstart, programs for migrant workers and elderly citizens and those providing medical services, food and legal services, all cope specifically with the needs of people.

Extension of the Office of Economic Opportunity as provided in S. 3016, a measure I helped to draft in the Labor and Public Welfare Committee, is essential if we as a people are to continue to be responsive to the needs of the less fortunate. I shall hope for the day when there is no need for the Office of Economic Opportunity, but until that time there must be an unstinting national effort to end the cycle of poverty by eliminating the root causes of economic hardship.

Mr. CRANSTON. Mr. President, I support S. 3016, a bill to provide for continuation of programs authorized under the Economic Opportunity Act of 1964.

There is overwhelming evidence that the extension and expansion of the Office of Economic Opportunity's programs is sorely needed. An August 1969, Census Bureau report showed 25,400,000

Americans living in poverty, redefined to mean less than $3,553 yearly income for a nonfarm family of four. OEO figures indicate that the present level represents a one-third reduction in poverty since OEO began its war in 1964. But statistics can be interpreted many ways and methods of measuring poverty have changed several times during that period.

Despite the significant achievements of OEO over the past 5 years, this staggering number of impoverished Americans, almost 13 percent of our population, makes manifest that our effort to eradicate the blight of poverty, especially among the 42 percent of the poor who are under 18, must continue and be vigorously pursued.

This is the crux of the recent dramatic report, "One Year Later," which stated:

> The cycle of poverty in the slums and ghettos has been slowed by the counterforce of the whirring economy. Unemployment is down and income is up, even in the hardest-to-reach places and categories of people. But the cycle of dependence, measused by the number of welfare recipients, has accelerated more than the (Kerner) Commission anticipated. . . . Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems. Nor has the past year seen even a serious start toward the changes in national priorities, programs and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the Nation's response. One Year Later, published by Urban America, Inc., and the Urban Coalition, March 1, 1969.

In short, we are still committing far too few of our resources. We are still doing much too little, much too late. This lack of response to the inequities and inequalities deeply imbedded in our way of life is a substantial cause of much of the major unrest we have seen across the country—in our inner cities and on our campuses. The cost of doing the job well can be shown to be far less, in pure economic terms, than doing it badly or not doing it at all. And cost data is only part of the story. At least as vital is the cost in human misery, human values, and the human spirit. Although these are impossible to quantify, we should have little difficulty in recognizing the results of our failure to commit ourselves fully to the type of war on poverty first envisioned by President Johnson.

S. 3016 authorizes the appropriation of $2.34 billion for OEO programs during fiscal year 1970 and $2.732 billion for fiscal year 1971. This is, frankly, not enough to do the job well. But it continues and expands the efforts which have been helping to hold the line. And it does not seem to me that it is in any way excessive to call for an annual level of Federal expenditures to fight poverty at home roughly equal to what our Government spends in 5 weeks to fight a war in Southeast Asia.

More specifically, I wish to add my enthusiastic support to the proposed significant increase in authorization for the Headstart program. Last fiscal year $327 million was authorized for Headstart. The authorization levels in S. 3016 represent an increase of one-third above that level for fiscal year 1970 and two-thirds for fiscal year 1971. Even then, the number of Headstart children served will be only about 10 percent of the 6 million disadvantaged children under 6.

That is why I was a cosponsor of Senator MONDALE's excellent bill, S. 2060, the proposed Headstart Child Development Act of 1969, which would authorize a comprehensive approach to child development for disadvantaged infants and youngsters.

As the testimony on this bill so powerfully illustrated, Headstart, as presently constituted in the fourth and fifth year of a child's life, may more aptly be termed "catchup." And, as the Westinghouse Learning study indicates, it may well be too late at that point in life to make up the gap in a child's development—to overcome the debilitation and learning impairment which a disadvantaged environment may produce.

If "Headstart" or even a "fair start" is the goal, and I think it must be, the emphasis on prenatal care and the first several years of life which Senator MONDALE's bill makes is, I feel, urgently needed. Thus, S. 2060 would authorize approximately four times the amount of funds as were appropriated last fiscal year for Headstart.

What is really at stake as we consider the future direction of poverty programs is our national security; no less. Our survival as a great, democratic nation is, I believe, challenged at this point in time by our failure to establish the proper priorities to achieve security and opportunity for all our citizens.

No Federal investment promises more far-reaching and, hopefully, enduring effects than total commitment to a program at a level over 5 years sufficient to reach the full child population so badly in need of assistance, and to do so in the crucial earliest years. Thus, I hope that passage of the Headstart provisions of S. 3016 will not in any way preclude or postpone consideration of the type of comprehensive approach to child development as proposed in S. 2060.

I would like to focus specifically on one other poverty program—the legal services program—which I believe is absolutely vital to any meaningful effort to fight poverty, its causes, and manifestations. S. 3016 would authorize a two-thirds increase over the fiscal year 1969 level in appropriations for fiscal year 1970—to $74 million—and more than double the fiscal year 1969 level in fiscal year 1971—to $90 million.

The fiscal year 1971 authorization level, which the American Bar Association recommended in 1967, would permit hiring of 2,000 more attorneys and the opening of 200 new offices. Presently, there are at least 41 metropolitan areas—two of them in California, Glendale and Chico—with populations of over 75,000 persons without any organized legal aid services.

If the poor are to become meaningful participants in our society, they must have the same access to the courts and other tribunals as those able to hire attorneys to prosecute their claims and vindicate their rights through the judicial process. Providing for redress of grievances within legally constituted channels is the very stuff of which democracy is made. Gideon against Wainwright has settled once and for all that the right to counsel cannot be predicated upon a person's pocketbook. Certainly, life, liberty, and property are as involved in certain civil cases—such as those involving welfare payments, consumer fraud, pure food, housing conditions, air pollution—as they are in most criminal cases. Yet, on the civil side of our legal system, the poor are generally denied legal counsel as defendants and similarly have no one to prosecute their legitimate rights when an affirmative action is warranted.

Day after day all of us are becoming increasingly aware of a great need in this country to make our governmental and social institutions more responsive to the needs of the people. To a significant degree, all Americans—regardless of economic status or cultural background—feel a growing frustration in their attempts to cope with or affect the huge and impersonal institutions of our times. This lack of power or response creates an attitude of hopelessness which saps our strength and limits our horizons.

In no area of our society is this hopelessness so pervasive as with the poor. Frustrated by lack of job opportunities, degraded by racial discrimination, and often educationally deprived these persons are the least able to assert the rights and benefits accorded by our society.

Mr. Justice Douglas in a dissent to a dismissal of an appeal in Hackin against Arizona in 1967 stated:

> Rights protected by the first amendment include advocacy and a petition for redress of grievances . . . and the fourteenth amendment ensures equal justice for the poor in both criminal and civil cases . . .
>
> But to millions of Americans who are indigent and ignorant—and often members of minority groups—these rights are meaningless. They are helpless to assert their rights under the law without assistance. They suffer discrimination in housing and employment, are victimized by shady consumer sales practices, evicted from their homes at the whim of the landlord, denied welfare payments, and endure domestic strife without hope of the legal remedies of divorce, maintenance, or child custody decrees.

In recent years, legal services programs funded by OEO have had a significant impact, not only on the law, but on their clients and the surrounding community. For the first time, large numbers of poor persons have been able to redress grievances through the use of counsel. The courts and the law became friends and protectors rather than a system to be loathed or feared.

Some of the finest, brightest, young legal minds produced by our law schools are applying to legal services programs each year. Because of funding limitations many of these persons must be turned down. Attorneys who are accepted must battle unbelievable caseloads while attempting to unravel years of procedure, neglect, and discrimination in pursuing their clients' causes.

Despite these handicaps these lawyers and programs have won the hard earned respect of judges, private attorneys, and bar associations across the country. They have obtained significant victories

for the poor in the areas of welfare, housing, and consumer abuses. In the process they have been able to prosecute these actions at a remarkably low cost per case.

In no State has the impact of legal services programs been more significant—or more successful—than my State of California. The California rural legal assistance program provides services for the rural poor and was the recipient of the first award made by the National Advisory Committee to OEO legal services as the most outstanding legal services program in the country. The impact of this program on its client population can be measured by the results of a recent survey which indicated that 64 percent of potential clients in three California counties were aware of the program. Only the name of the late President Kennedy drew a heavier recognition factor. Also, 57 percent of those surveyed—who had received CRLA Services—felt that the courts treated the poor fairly, whereas only 40 percent of those surveyed—who were not CRLA clients—had this same view.

I ask unanimous consent, Mr. President, that the following three reports detailing important work of legal services programs in California be printed in the RECORD in full at the conclusion of my remarks: An August 1, 1969, report of the Berkeley Neighborhood Legal Services; a report entitled "Rural California: Hope Amidst Poverty" by California Rural Legal Assistance; and on August 27, 1969, report prepared by the San Francisco Neighborhood Legal Assistance Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Finally, Mr. President, I wish to note that section 9 of S. 3016 contains an amendment I offered in the Poverty Subcommittee and which was unanimously adopted by the Labor and Public Welfare Committee. That amendment would extend to former VISTA volunteers the identical length-of-service credit now accorded former Peace Corps volunteers who later gain Federal employment. This provision is fully explained on pages 44 and 45 of the committee report. I am grateful that the amendment, which is noncontroversial in nature, received the support of my colleagues on the committee and I commend it to the Senate.

I think it worthy of note that this disparity of treatment between former VISTA and former Peace Corps volunteers was called to my attention by one of my younger constituents—a former VISTA volunteer—Linda A. DeCoss of Ed Cerrito, Calif. And I wish to add to the private commendation I have already extended to her this public recognition of her contribution.

Thus, Mr. President, I urge all Senators to vote for S. 3016, to place the Senate squarely behind continuing the tremendously important fight to assist 25.4 million Americans in breaking the bonds of poverty.

EXHIBIT 1

REPORT TO THE BOARD OF DIRECTORS OF BERKELEY NEIGHBORHOOD LEGAL SERVICES

BNLS LAW STUDENT PROGRAM EFFECTIVE IN INCREASING QUANTITY AND QUALITY OF SERVICE TO THE COMMUNITY

Thls summer Berkeley Neighborhood Legal Services has had on its staff part and fuil-tlme student volunteers, and also fuii-tlme students provided by the Law Students Civil Rights Research Counsel and the federal work-study program. The students are from Columbia University in New York City, Stanford University, Hastings College of Law, Boalt Hall (University of California at Berkeley), and the University of Chicago.

With this available manpower, BNLS has cleared up the backlog on its appointment list, has handled an average of 74 cases per week, and has given better and more service to more people in the community than has ever been possible before.

Under the program any client who calls or walks in is seen immediately by the student on duty that day (except divorce cases, which are still being handled on a special appointment-only list). The student takes sufficient information to determine whether the client is financially eligible. If the client appears financially eligible the student then takes in detail the information regarding the client's problem.

At 5:00 o'clock p.m., all of the students and all of the BNLS attorneys meet to discuss the problems that have come in that day. The student presents each client's legal problem in a short statement (written and oral) and the attorneys then engage, with the students, in a collective application of legal knowledge and analysis. If more investigation or further information is needed, the student is instructed to take care of it the following day and report back at the 5:00 o'clock p.m. conference. If the client's problem is determined to be non-legal, or to be a matter which should properly be referred to another attorney or to another agency, the student is instructed to make the referral by letter or by telephone.

If the legal problem is one which involves litigation or an extensive commitment of the resources of BNLS, the attorneys discuss the legal issues throughly to decide whether or not BNLS has resources available to take the case. They then determine which attorney shall handle it, and how it shall be handled.

This system has many advantages. Firstly, it permits law students to gain valuable experience and knowledge. Secondly, it saves the time of the attorneys and permits the handling of a much larger number of cases than has ever been possible before. Thirdly, the discussions among the attorneys permit the application of any given problem of maximum quantity of legal talent and experience for the solution of every problem. Finally, it permits a quality control over the work of BNLS, in that any action or inaction by BNLS on the case of any individual must be agreed upon after full discussion.

BNLS WELFARE CASE DOCKETED IN SUPREME COURT OF THE UNITED STATES

On the 7th of July, 1969 Berkeley Neighborhood Legal Services docketed in the Supreme Court of the United States an appeal in the case of *Lewis v. Montgomery,* appeal No. 560Misc., U.S. Sup. Ct. Berkeley Neighborhood Legal Services attorneys representing Mrs. Lewis are contending that a California statute is unconstitutional. Welfare and Institution Code Sec. 11351 permitted the Alameda County Welfare Department to deduct from the welfare budget of Mrs. Lewis and her needy children amounts which the welfare department claimed were "available" from the income of a male friend of Mrs. Lewis. The Welfare Department claimed that even if the amounts were not available, under the statute Mrs. Lewis's welfare grant could be reduced.

DIRECTOR OF BNLS SELECTED FOR LEGAL SERVICES COLLOQUIUM

The executive attorney of BNLS, Miss Carol Ruth Silver, has been chosen to attend a legal service colloquium at Vail, Colorado in August. As stated in the announcement of the award, the Colloquium will ". . . address the causes and possible remedies for certain of the fundamental institutional injustices victimizing poor communities throughout the nation. The colloquium has been undertaken as one response to both the complexity of those problems and the diverse competing demands ordinarily made upon the attention of legal service lawyers."

OEO GRANTS SUPPLEMENTAL FUNDS TO BNLS

BNLS has received a supplemental grant of $2,977 from the office of Economic Opportunity. This sum is granted out of an amount previously returned to OEO by BNLS for "B" year. It does not represent any increase in the size of the program, but permits BNLS to wipe out a deficit which has been carried along since the closing of the "B" year books.

FBI REQUEST AID OF BNLS IN FINDING PERSONS WILLING TO COMPLAIN ABOUT POLICE MISCONDUCT

The Justice Department and the FBI have requested the assistance of Berkeley Neighborhood Legal Services attorneys in finding persons who are interested in complaining about their treatment by peace officers during the recent disturbance in Berkeley. Any person wishing to make such a complaint is requested to speak with Mr. Koenig at the BNLS office.

STATISTICS ON CASELOADS FOR QUARTER ENDING JUNE 30, 1969

During the quarter ended the 30th of June, 1969 BNLS saw a total of 277 new cases, of which 251 were accepted. The breakdown of kinds of cases is as follows:

Cases acccpted; quarter ending June 30, 1969:

Consumer and employment	32
Administrative (including welfare)	36
Housing	55
Family problems (including divorce)	58
Miscellaneous (including complaints against the police)	70
Total new cases accepted	251
Cases rejected	26
Total cases	277

During the same period 282 cases were closed, as follows:

Referred	27
Advice only	110
No litigation necessary	65
Litigated (include 64 domestic cases)	80
Total	282

RURAL CALIFORNIA: HOPE AMIDST POVERTY

(By Cruz Reynoso, Director, California Rural Legal Assistance)

Poverty is not just a lack of money or education;
it is racial discrimination,
it is cultural difference,
it is a state of mind.
Most of all, it is a position of non-participation,
the symptoms of which are apathy,
fear,
lack of organization and involvement,
divisiveness,
resentment.
It is self-denigration.

The poor see the law and lawyers as oppressors.
They come in contact with lawyers when they are being sued,
when they have been arrested,
or when their children are in trouble.
The poor see the law as benefitting those with money
and with power.
The poor have little faith that the agents of the law
—the judges, police, lawyers—
will protect them,
the poor.
The poor see laws meant for their benefit ignored and unenforced.

Most of us see a different world—
Lawyers are officers of the court;
the judges (who sit on courts) uphold the law.
The policemen enforce the law.
The law is meant to be a protector of the weak
and of the common good.
Society cannot exist without laws
and without the enforcers of these laws including lawyers.

California Rural Legal Assistance. . . .

The poor whom we have represented
have seen that the law can be a friend;
that the law can be a vehicle for protecting the rights of the poor;
that the laws meant for the protection of the poor can be enforced;
that the powerful, too, can be accountable.

These insights can be the beginning of hope among the poor
that the law and lawyers
will serve man
irrespective of station or wealth.

A FEW OBSERVATIONS

Rosendo Montana, farm worker, McFarland: "Growers and contractors should be made to have sanitary facilities out in the field for the workers. If there is such a law that these facilities have to be provided, I can't understand what the hang-up is. If it's a law, it's a law. And it should be obeyed. CRLA should help here. Mostly the law is to protect the growers and the rich. Most of the time, when a farm worker is in contact with the law it is because he is in trouble with the law, or the law is being used against him. And that isn't right."

California has one of the most extensive series of laws designed to protect the health and safety of farm workers in the nation. Government agencies charged with their enforcement have been derelict in their enforcement duties. CRLA has brought a number of suits, only some of which have been successful, seeking to compel the government to apply the standards set by the law to the rich as well as the poor.

Antonio Dorado, farm worker, Castroville: "I have worked for the same employer for more than a year. He grows artichokes, and I have no complaint with him. He is fair with me. Last year because of the rains I could not find work for about three months during the winter. This year when the rains come, I guess I won't be able to find work again. I don't like to have to get help from welfare. I want my self respect. I need unemployment insurance before the rains come so that I can have enough to give food and shelter to my eight children."

Every major occupational group but farm workers is covered by unemployment insurance. CRLA has a pending case seeking to provide this basic protection to every American farm worker.

Hector Reyes, community organizer, El Centro: "The government has a lot of programs, like the War on Poverty. I do believe that they are going wrong because they are trying to cure poverty without getting rid of the thing that causes povery. Can you see what I mean? Like you're trying to cure cancer with an aspirin. I think that one of the biggest problems is we got to take into consideration the people as a people, and we should try to teach the people their rights as a human being."

Most Federally-funded programs perpetuate dependence rather than encourage independence. Although most of CRLA's cases are service-oriented and designed solely to treat the symptoms of poverty, a number of its class action cases seek to deal with the causes of poverty. In addition, it has helped design various farm worker controlled corporations to produce housing and jobs.

CHARACTERISTIC PROBLEMS ENCOUNTERED BY CRLA

Rural poor need better educational opportunities

College for Farm Workers

In Gonzales, California, in a school district with a 50% student enrollment of Mexican descent, a young Mexican-American National Teacher Corps teacher was fired, and her husband's job as a school-home liaison representative eliminated, when she helped local high school students form a chapter of the Mexican-American Youth Association (MAYA). The primary function of MAYA was to encourage in Mexican-American students a pride in their cultural heritage, and to stimulate interest in further education among some who previously had accepted farm work as an end in itself. In part, the program attempted to awaken the students' interest in professional careers, such as medicine and law, and at least to encourage them to secure their high school diplomas. As a result of this dual emphasis, farm worker parents, who had always assumed that their children would be farm workers by the age of 17, began to encourage them to apply for college. A record number of Mexican-American students (35) thereafter applied under special minority-group programs at several local colleges. CRLA, after failing to convince the local school board to reinstate the fired teachers, was successful in securing a Federal Court order of temporary reinstatement.

(*Alavarez v. Force,* U.S. District Court for Northern California, No. 51089.) CRLA was joined in this suit by the Mexican-American Legal Defense and Education Fund.

Equal Education for Rural Poor

Although an equal education for all children is guaranteed by California's Constitution, local taxpayers are forced to absorb 70% of the costs of this state-guaranteed education without regard to their financial ability. Beverly Hills taxpayers, therefore, are able to provide their children with free musical instruments, intensive medical and psychiatric care, and remedial education, while rural taxpayers do not even have sufficient funds to secure an adequate number of teachers or to provide children with school transportation even when they reside three hours walking distance (10 miles) from the school. CRLA filed suit to alter this by requiring a more equitable rate of taxation and distribution of such sums throughout the state. However, as the result of a recent U.S. Supreme Court case, it dismissed its lawsuit without achieving the desired result. The Governor of California has recently proposed a plan whereby some of these tax inequities will be eliminated.

(*Silva v. Atascadero,* California Superior Court, San Francisco County, No. 595954.)

Majority Rule on School Facilities

California school children are denied adequate school facilities unless their parents can convince two-thirds of the voters in the school district to approve such facilities. As as result of this requirement, the will of the majority of voters favoring additional school facilities has been frustrated in 155 out of 218 instances in the last two years. In reliance on the Supreme Court's "one man, one vote" principle, CRLA has brought suit seeking to prevent a small minority from frustrating the education needs as determined by the majority.

(*Larez v. Shannon,* California Superior Court, Sutter County, No. 2657.)

Farmworker failure to participate in the community stems from a lack of stable, adequate employment.

Unemployment Insurance

Every major occupational group in the United States is covered by unemployment insurance benefits with the exception of one: farmworkers. A combination of Federal and State legislation precludes one of America's poorest and most seasonal occupational groups from these benefits. As a result of a CRLA lawsuit, a three-judge Federal Court is presently considering whether to declare that exclusion unconstitutional and order unemployment benefit coverage for farm workers. Should the Court so order, farm workers throughout the United States could receive approximately $250 million dollars per annum, and hundreds of thousands of them would be removed from dependence upon welfare assistance. Most important, job security would partially eliminate the need to be migratory, thereby keeping children in school throughout the year, and encouraging their parents to become involved in community affairs.

(*Romero v. Wirtz,* U.S. District Court for Northern California, No. 50213.)

Illegal Foreign Competition

Virtually every occupational group has restrictions, either by statute or professional code, on the number of persons who can practice their occupation. Farm workers are not only denied such benefits, but are faced with a continuous supply of cheap foreign labor competition. A number of CRLA lawsuits have sought to prevent illegal and unfair foreign competition without obstructing growers from securing an adequate supply of labor. Until CRLA brought a successful lawsuit on September 8, 1967, hundreds of thousands of foreign laborers (braceros) had been imported into California each year to compete with local farm workers. As a result, American citizens were forced upon welfare and deprived of work. Subsequent to CRLA's success in Federal Court, the U.S. Department of Labor on September 11, 1967, entered into a formal agreement with CRLA in which for the first time domestic farm workers were given a voice in determining future farm labor policies. Thus, in 1968 for the first time in 25 years, the U.S. Secretary of Labor announced that no foreign workers (braceros) would be imported into the United States. It is estimated that this decision provided $3 million dollars in additional income for local farm workers, a minimum of $1 million dollars in additional income to local merchants, and $750 thousand dollar savings to local welfare departments.

(*Alaniz v. Wirtz,* U.S. District Court for Northern California, No. 47807.)

Working Conditions

In 1965, California passed legislation which for the first time protected the farm worker's health and safety. Because of the inability of the appropriate government agencies to enforce the law, farm workers were compelled to go to court in a series of suits seeking what the law ordered: toilets, handwashing facilities, and drinking water for farm workers. As of the summer of 1969, neither the law of four years before, nor the conditions that the law sought to improve, had substantially changed.

(*Manriquez* v. *Mosesian,* California Superior Court, Kern County, No. 105175; *Garcia* v. *Kovaceirch,* California Superior Court, Kern County, No. 105072; *Perez* v.

Morales, California Superior Court, Stanislaus County, No. 100602.)

Both local communities and the poor are often ignored by big government

Food and the Hungry

Congress has provided two Federal food programs to assist the poor; the Food Stamp and the (surplus) Commodity Distribution programs. As of December, 1968, 16 of California's 58 counties had refused to institute such programs. CRLA secured an injunction, before a three-judge Federal Court, to compel the U.S. Secretary of Agriculture to institute Federal food programs in each of these counties. On June 2, 1969, State Superintendent of Schools Max Rafferty joined CRLA in contending that the U.S. Secretary of Agriculture was discriminating against poor people and violating President Nixon's mandate that all hungry persons be afforded an opportunity for a minimal adequate diet. The State of California joined CRLA in this action primarily because the U.S. Secretary of Agriculture ignored the law and refused to comply with a binding Court Order to make food available for hungry persons in every California county. By the summer of 1969, California became the first large state in which every county was operating a Federal food program—CRLA, therefore, voluntarily dismissed its suit.

(*Hernandez* v. *Hardin,* U.S. District Court for Northern California, No. 50333.)

Federal Government Encourages Fathers Not To Work

Perhaps the most striking example of the Federal Government's failure to be responsive to the needs of the states, local communities, and the poor, is a CRLA case presently before a three-judge Federal Court seeking to abolish the "Don't Work" rule, a Federal welfare rule which discourages fathers from seeking employment and encourages them to desert their families. (Fathers can secure assistance for their children only if they refuse to work or desert their families.) U.S. Housing, Education and Welfare Secretary Robert H. Finch is at least equally concerned, and has submitted certain proposals to the President which could achieve legislatively the results CRLA secks in its lawsuit.

(*Macias* v. *Finch,* U.S. District Court for Northern California, No. 50956.)

Divorce or Deprivation Welfare Rule

The Federal welfare structure encourages divorces, and frequently makes asistance for children dependent on the securing of a divorce without regard to the desires of the parents. Presently pending before a Federal three-judge Court is a CRLA action seeking to abolish this "Divorce or Deprivation" rule, which annually destroys thousands of California marriages and compels a similarly high number of persons to file fraudulant divorce proceedings. A preliminary order on behalf of the clients has been issued in this case.

(*Jenisch v. State of California,* U.S. District Court for Northern California, No. 48462.)

The "Divorce or Deprivation" case is presently before the three-judge Federal Court as a result of a prior CRLA case which was the first successful Legal Services case ever brought before the U.S. Supreme Court.

(*Damico v. State of California,* U.S. Supreme Court, No. 629 misc., Oct. term, 1967.)

The poor need to be able to speak for themselves, not to depend upon others to do so

The Right To Vote

Only one major group in America is denied the right to vote: the American of Mexican ancestry who is literate only in Spanish. As the result of special Congressional legislation, even illiterates are permitted to vote in certain states. In addition, Americans of Puerto Rican ancestry, despite being literate only in Spanish, are permitted to vote in most states. The irony and the irrationality of this is graphically illustrated in California. Despite the State's long and uniquely rich Spanish-Mexican heritage, and its 11% Spanish-surnamed population, Spanish literacy has not been sufficient as a basis for eligibility at the polls. The result of this inequitable exclusion has been an increasing loss of interest in community affairs by a group that helped write the California Constitution (in both Spanish and English) and which continued to be a real part of the California community until recent decades when the California Constitution was changed. CRLA presently has before the District Court of Appeals in California a case contending that it is unconstitutional to discriminate against persons who are literate in Spanish, especially since a large number of Spanish-language newspapers and radio stations serve these people. U.S. Attorney General John Mitchell recently suggested legislation (nation-wide abolition of literacy tests) that might achieve the same result.

(*Castro v. State of California,* California Court of Appeals, No. 33529.)

Water in the Desert

Imperial County lies at the southeast corner of California. It is part of the Colorado Desert, one of the most geologically arid regions in North America. The Imperial Irrigation District, through its control of waters from the Colorado River, has made this land into the fifth most productive agricultural county in the United States. On the other hand, it still has one of the highest percentages of poor anywhere in California. This paradox has occurred partially as a result of the Irrigation District charging abnormally low water rates to the grower and unusually high rates to the consumer. The Irrigation District has been successful in continuing this inequitable system solely because it has been unconstitutionally apportioned. The voters residing in districts serving growers have 5 times more voting power than their numbers would justify. As a result, CRLA, on behalf of Imperial County consumers, has brought suit to compel the Irrigation District to permit majority rule. The case was on appeal at the beginning of summer, 1969.

(*Girth v. Thompson,* California Superior Court, Imperial County, No. 40096.)

Right to Freedon of Association

Federal law guarantees to every major occupational group except farm workers the right to join a labor union. California is one of the few states that does protect farm workers. It prohibits employers from firing any worker, including a farm worker, merely for exercising his freedom of association by joining a labor union. Some growers have recently commenced to negotiate with such farm worker unions. On the other hand, at least a few growers have not only refused to negotiate with farm worker unions, but have proceeded to summarily fire workers who have exercised their legislatively-protected right to join a labor union. In one case, 9 skilled farm workers were fired when their employer discovered that they had joined the United Farm Workers Organizing Committee, AFL–CIO. CRLA filed a lawsuit on their behalf, and within four months the men were rehired and a full settlement was reached. As part of the settlement the farm workers were guaranteed a minimum annual salary of $4,500, protected from future firing by an arbitration clause, and their rights to join a labor union were fully recognized.

(*Wetherton v. Martin Produce,* California Superior Court, Monterey County, No. 63696.)

Farmworkers Need To Have a Share in the Free Enterprise System

The problems confronting farm workers and the rural poor cannot be resolved by litigation alone. The vast housing shortage in California is one graphic illustration of the limitations of lawsuits which, at best, can only serve to redistribute qualitatively and quantitatively inadequate housing. Another example is the shortage of job opportunities for seasonally employed farm workers. CRLA; in conjunction with a number of other community organizations, has attempted to use and cooperate with the vast business acumen and financial resources available within California to resolve some of these problems without resort to conflict or litigation. Described below are two free enterprise oriented programs CRLA has participated in—the first already in operation, the second recently proposed.

Rural Development Corporation

In 1968, California's U.S. Senators jointly announced the funding of a corporation to provide technical expertise and seed money for the construction of low-income housing in rural areas. The corporation, RDC, while operating in a fashion similar to other corporations, would seek to develop new methods of design and construction in order to facilitate housing at a cost within the reach of families at the poverty level. Predicated on the philosophy that home ownership encourages family stability and community interest, most of the corporation's efforts have been in the area of home ownership. A major project, involving relatively unique design and construction methods, has been started in Calexico, a California town bordering on Mexico and heavily populated by farm workers.

Economic Development Corporation

The fertile San Joaquin Valley has one of the highest unemployment rates in the nation—it exceeds 16% during the winter and is as high as 40% for minority groups. CRLA, in conjunction with a local community action program, has submitted a proposal for an Economic Development Corporation to be operated and owned by a combination of farm workers and local businessmen. It would attempt to capitalize on the seasonal nature of employment in this agricultural area by establishing seasonal manufacturing operations, requiring minimal capital investments, in which semi-skilled and unskilled labor is necessary. The business community would contribute its business and financial expertise, and the low-income persons their labor. An example of the type of light manufacturing item that would effectively utilize unskilled and semi-skilled workers without a substantial capital investment would be the manufacture of simple furniture such as garden furniture. Common stock with voting power in the corporation would be offered to all employes in combination with a public offering to the low-income community at large. The remainder of the capital investment would be from the local business and financial community. The expectation is that in the initial year a corporation would be formed employing approximately 30 persons, which would commence work on five similar-sized and related enterprises.

Statistical overview

CRLA has a potential client community of 577,000 persons. The percentage of poor families in rural California is over three times greater than in the urban areas of the state.

	Percent
Urban poor	13.2
Rural poor	43.1

Minority groups constitute a disproportionately high percentage of all California farm workers.

[In percent]

Anglos:	
Population	78.8
Farm workers	12
Mexican-Americans:	
Population	11.1
Farm workers	67
Non-white:	
Population	10.1
Farm workers	21

California agriculture is perhaps today's most profitable business. Revenue in 1968: over $4 billion dollars. Although only 2% of nation's farms produce 10% of national cash gross receipts from farming. 75% of state's workers employed on 7% of state's farms. 79% of agricultural land owned by 7% of the farms.

Average farm workers earnings in 1967: $2,024.

Industrial workers average 2,000 hours of work a year.

Farm laborers average 1,100 hours a year.

Four out of every 5 California farm workers live in sub-standard, dangerous housing.

One out of every 3 has no toilet facilities.

One out of every 4 lacks even running water.

Farm workers have the highest occupational disease rate in California.

Twenty-five percent more farm workers than workers in general are hospitalized for serious injuries on the job.

Thirty-six percent more babies born to farm worker mothers die than is true of other occupational groups.

Farm workers are not protected by unemployment insurance or collective bargaining legislation.

Despite laws protecting children, some rural school boards have closed schools at peak harvest to provide child labor for the fields.

The percentage of family heads in rural California with only a grade school education is over three times greater than in urban areas of the state.

Urban family heads: 12.7%.

Rural family heads: 41.7%.

Almost half of California's 58 counties have no free legal assistance programs.

CRLA provides legal services in 17 counties including 7 where it is the sole legal services program.

WHAT CRLA IS

History

California Rural Legal Assistance is a statewide law firm, funded by the Office of Economic Opportunity to provide free legal services to many of California's rural poor. It was the first OEO program designed to assist farm workers, and its initial funding in June of 1966 in the amount of $1.276 million dollars represented the largest grant ever made by the OEO office.

During the first year of its existence, its central administrative office was established in Los Angeles, with nine regional law offices throughout the state. Despite often strong political pressures, the program has been refunded each year since. For two years, CRLA also maintained a special office to represent Indians in their peculiarly Indian problems. Recognizing the enormity and the uniqueness of these problems, CRLA was successful in securing independent funding for a program to exclusively serve Indians—"California Indian Legal Services."

In 1968, the central office was moved from Los Angeles to San Francisco as an efficiency-economy measure. As a result, the central office was placed substantially closer to a majority of the clients served by CRLA's nine regional offices and to the agencies and courts where most of their problems are sought to be resolved. An office was also opened in Sacramento to conduct an advocacy and legislative information program which would serve administrative agencies, the Legislature, and other rule-making bodies on issues affecting CRLA's client community.

In the same year, the firm was named the outstanding Legal Services Program in the nation by the Office of Economic Opportunity's National Advisory Committee for Legal Services "for its service to the cause of justice for the poor, through innovation, law reform, legislative work, and test cases."

Organization

Legal services are most effective in rural areas if they are provided on a statewide basis. This is true, partly because in the sparsely populated regions of the state there is often no single county with a population large enough to support a program of its own. It is also true because clients are frequently compelled by their work to migrate from one area of the state to another, repeatedly crossing county lines, and thus losing touch with attorneys whose operations are restricted by jurisdictional boundaries. A statewide organization provides a unique opportunity for correlation of activities for maximum efficiency, and for specialization in problems of particular concern in the rural population.

The CRLA staff, statewide, consists of approximately 120 persons, of whom about 40 are attorneys and 25 are liaisons with the local community (investigators, community workers), plus appropriate secretarial and clerical staff. The central office coordinates legal and agency matters throughout the state and houses the administrative staff for the entire organization.

Caseload and costs

During the calendar year, July 1, 1967, to June 30, 1968, CRLA accepted 10,351 new cases. Despite this average of 1,000 new cases per office, the median number of open cases per office was less than 150, indicating that there was a reasonably rapid resolution of the majority of the cases. Approximately 85% of CRLA's cases have been and continue to be conventional "service" cases—such as adoptions, wage attachments, and used car problems.

According to the monthly reports of CRLA regional offices, 25,877 clients were directly benefitted by these cases during the same calendar year, with indirect benefits being extended to as many as one million more persons because of the statewide effects of some of the cases handled.

The average cost per case during the same time span was under $100 ($96.26). This low cost was partially attributable to CRLA's low attorney-per-hour costs—$10.93 including overhead per hour as compared with a minimum of $25 per hour for associate attorneys in most California law firms. It is estimated that CRLA annually has produced income, or secured savings, to the California taxpayer in an amount in excess of one hundred times its yearly appropriation.[1]

Philosophy of service

Since its inception, the philosophy of CRLA has been to provide to the poor the same high quality of service that the wealthy client would expect from the law firm representing his interests. The poor, like the rich, are entitled to good lawyers who take the time to serve their needs. Just as the best large law firm represents business associations and groups of wealthy clients, because those groups have similar interests, so CRLA has acted as "house counsel" for groups of poor people. The problems which a poor person faces are not just his individual problems; all too often they are problems common to all the poor.

[1] For example, $9 million per annum saved by the elimination of county subsidies to landlords, *Phillips v. Davenport,* California Superior Court, Monterey County, No. 64125; $3 million generated in income in 1968 through restrictions on foreign workers, *Alaniz v. Wirtz,* U.S. District Court for Northern California, No. 47807; $250 million saved in 1968 by the suit to prevent Medi-Cal cuts, *Morris v. Williams,* California Supreme Court, No. SAC–7817; and $10 million per annum saved by the food stamp case, *Hernandez v. Hardin,* U.S. District Court for Northern California, No. 50333. On the other hand, CRLA's annual budget is only $1½ million dollars.

The wealthy have traditionally used the lawyer as an adviser—on what is best regarding his business, on what is best regarding his children's education, and on what is best regarding his employees. CRLA attorneys have attempted to be that type of resource for the poor—to advise regarding schools, jobs, housing and government. Those clients which CRLA has been able to serve, for it is only able to serve a fraction of those who need its services, have come to see the law as a vehicle for their betterment.

Poverty often brings despair and cynicism toward the possibility of change, individual and collective, through the legal order. The philosophy of CRLA has been and is that the poor, when served by vigorous, competent and high-minded lawyers, can have hope amidst poverty. Our short history confirms that this philosophy works.

LOCATION OF OFFICES

Central office

San Francisco, 1212 Market Street (415) 863–4911.

Regional offices

El Centro, Professional Building, Fifth and Maine Streets, Room 228 (714) 353–0220.

Gilroy, 22 Martin Street (408) 842–8271.

Madera, 529 South "D" Street (209) 674–5671.

Marysville, 116 7th Street (916) 742–5191.

McFarland, 335 Perkins Street (805) 792–2157.

Modesto, 405 "H" Street (209) 529–8452.

Salinas, 328 Cayuga, (408) 424–2201.

Santa Maria, 109 East Cook, (P.O. Box 425) (805) 922–4563.

Santa Rosa, 1049 4th Street (P.O. Box 879) (707) 545–4610.

Legislative office

Sacramento, 901 "F" Street (916) 446–7901.

SAN FRANCISCO NEIGHBORHOOD LEGAL ASSISTANCE FOUNDATION

The San Francisco Neighborhood Legal Assistance Foundation averages 1150 new cases a month in its 6 offices throughout San Francisco. The following cases are representative of major litigation currently being handled by Foundation attorneys. However, the examples do not in any way cover all the substantative areas of law and types of activity in which the Foundation is engaged.

WACO v Weaver, US District Court No. 49053.

On December 26, 1968, Federal District Court Judge William Sweigert issued a preliminary injunction halting the $100 million renewal project in the Western Addition A–2 Area, until an acceptable plan had been approved, by the United States Department of Housing and Urban Development (HUD) and the Court, for relocating uprooted families. Federal law requires that HUD have satisfactory assurance that the local Redevelopment Agency will be able to relocate displaced persons into safe, decent and sanitary housing at rents which they can afford before the Agency can proceed with the project. Judge Sweigert's decision not only restrained HUD from further funding of the project, but also prohibited the local Redevelopment Agency from proceeding with the enforced displacement of residents by condemnation or threats of condemnation or by eviction or threats of eviction. It did not, however, halt demolition of buildings already acquired by the Agency and vacated by tenants. The injunction was to remain in effect until a plan could be agreed upon which, in the words of Judge Sweigert, would be "satisfactory . . . at least (in) that it assures reasonable and present availability of safe, decent and sanitary housing."

Following the decision there was extensive organizing activity in the Western Addition

resulting in the formation of a Western Addition Project Area Committee (WAPAC) representing WACO and many other neighborhood organizations. WAPAC worked with the local Redevelopment Agency in preparation of a revised relocation plan which was acceptable to the community and allowed the resumption of redevelopment at the earliest time.

The suit had additional significance in that it was a class action brought on behalf of poor individuals and families residing in the project area. Previously the courts generally had held that persons who were about to be displaced from a renewal area did not have standing to sue on such issues, moreover, that such issues were not subject to judicial review.

The WACO decision produced reactions across the country; it can aid the urban poor in enforcing Federal law wherever redevelopment and urban renewal are scheduled. Its significance was noted in a New York Times article of December 28, 1968, which commented that urban renewal—"urban removal"— has traditionally been the enemy of the poor who are evicted from their homes and neighborhoods; new buildings are eventually constructed in their old neighborhoods at rents far above their means while no adequate alternate housing is provided for them.

Burns v. Montgomery, U.S. District Court, Northern District of California Civil Action No. 49018.

This was a companion case to *Thompson v Shapiro,* the Connecticut case decided in April, 1969, in which the United States Supreme Court held unconstitutional State's requirements that an applicant for welfare must have resided for at least one year in the state in which he is making his application, before he can be considered eligible. On June 20, 1969, Judge Alfonso J. Zirpoli granted plaintiffs' motion for summary judgment, thus enforcing the Supreme Court decision in California. Plaintiff Burns had filed this class action on behalf of applicants for welfare in California in October, 1967.

Ivy v Montgomery, San Francisco Superior Court Civil Action No. 592705.

August 11, 1969, Superior Court Judge Alvin E. Weinberger found for the plaintiffs in this class action challenging the adequacy of rental allowances for families receiving Aid to Families with Dependent Children (AFDC). The class action was filed in June, 1968, by two San Francisco AFDC mothers and one from Alameda County on behalf of all California AFDC recipients whose housing allowances fall short of the actual amount they have to pay for safe, healthful housing.

The court found invalid the cost schedules promulgated for each county in California as violating due process as they were drawn up without any prior notice or hearing to afford recipients an opportunity to present evidence of their actual housing costs. These schedules also violate State Department of Social Welfare (SDSW) regulations, by not being based on the actual current costs of housing in each county. Both the schedules and the SDSW regulation on which they are based were found invalid as in conflict with Welfare and Institutions Code Section 11452, which requires the State Director to promulgate housing schedules regulations which provide for safe and healthful housing.

The counties must immediately pay AFDC recipients the difference between the amount of their rental allowances and the amount they pay for safe healthful housing, up to the maximum. These payments must be made pending the adoption of a new cost schedules by the State Director, which will be based on the actual cost of safe healthful housing in each county.

Alvarado v. Orr, Supreme Court of California.

In early June, the California Supreme Court upheld the decision of Superior Court Judge Robert Drews in requiring the Department of Motor Vehicles to determine whether an uninsured driver might be at fault prior to suspending his driver's license, after his involvement in an auto accident.

The unanimous decision of the Supreme Court also indicated that such drivers are entitled to a court review of the Department's determination. When there is no reasonable possibility of the driver being held responsible for damages arising out of the accident, the reviewing court must order the Department to reinstate the license.

Prior to the Supreme Court decision, the Department made no effort to determine culpability. To keep his license, a driver was required to put up security covering the injury and property loss of the other driver. If unable to do so, his license was suspended. Since an automobile is an absolute necessity—for work, emergency medical care, etc.—the loss of the right to drive created a severe hardship for drivers who could not afford to post security.

McCallop v Universal Acceptance Corporation, Superior Court, No. 605038.

In June, 1969, the U.S. Supreme Court in a Wisconsin case, ruled that prejudgment garnishment violated an individual's right to due process of law and that he must have a chance to be heard in court before his wages can be attached.

The Foundation filed suit in San Francisco Superior Court in July, 1969, on behalf of San Francisco debtors whose wages had been attached prior to judgment. On July 11, 1969, Superior Court Judge John W. Bussey rules that the Supreme Court decision applies to California debtors and that all debtors whose wages have already been attached are entitled to have their money refunded until there is a judgment against them for this amount. The San Francisco Sheriff, who holds the attachment money in a trust fund, was ordered to refund the money until the cases are decided.

This decision will affect many indigent debtors whose wages have already been attached, and will protect countless others from similar deprivation.

Santos v Alioto, San Francisco Superior Court, Civil Action No. 604203.

Two of the Hotel's residents filed suit in District Court on March 27, 1969, on behalf of all the residents, against the Mayor, various city agencies and owners of the hotel. The suit asked for injunctive relief against the demolition of the hotel and the eviction of its residents.

The Hotel has long served as the center of the Filipino Community. Many of the 196 residents have lived there for 20 years or more. Two thirds of the residents are over 65 years old. The majority are Filipino and most of the others are Oriental. Demolition of the Hotel would mean the destruction of the Filipino community and would cause most of the residents to relocate outside the City, thus losing their employment and generally causing a tremendous emotional upheaval in their lives. Neither the Milton Meyer Company nor the City had at any point assisted in the relocation of the tenants, an extremely difficult task in San Francisco, where low income rentals for minority group members is practically non-existent.

The saga of the Hotel began in June, 1968, when a demolition permit was issued for the Hotel, without any notice to the tenants. A week later the owners had a hasty informal hearing before the City Planning Commission, which approved a permit to create a parking lot on the land upon which the International Hotel is located. Again, there was not notice to the tenants. The hearings were held two days before the relevant sections of the City Code were changed to necessitate a formal conditional use hearing rather than the informal review granted to the Milton Meyer Company, which has title to the Hotel.

In November, the tenants were notified that they must vacate the Hotel by January 1, 1969. The climax was reached, however, on March 16, 1969, when a fire in the hotel caused the death of 3 persons, and seriously damaged the property. However, 4 days later, the Superintendent of Building Inspection stated at a Human Rights Commission Meeting that in his opinion there was no hazard that would require vacating the building.

The next week a hearing was held before the Director of the Department of Public Works concerning a complaint of the Superintendent of Building Inspection that the building was in violation of City codes. The Director found that building unsafe and ordered the owner to apply for a permit to begin repairs of the Hotel within 10 days or else the Director would, by a subsequent order, direct that the building be vacated and demolished.

It was at this point that the tenants filed suit. There were several other alternatives open to the Director. It was obvious that the owners would not spend money to repair a building which they wished to demolish, if they were given any alternative. The City could have ordered the repair of the building. It is also within the power of the City to assume the cost of repair itself to bring the building up to code standard. By virtually ordering its demolition, the City assumed the responsibility for the eviction of the tenants, thus passing the matter into the hands of the Sheriff who can bring criminal actions against non-compliant tenants. This would save the company the delay, trouble and expense of bringing unlawful detainer actions against each tenant.

After the filing of the suit, there were many public meetings at which the Foundation attorneys represented the tenants. At a Coroner's Jury on April 17, it was ruled that the deaths in fire were accidental, but that there was cause for further inquiry. At the Coroner's hearing, the Superintendent of Building Inspection testified that although substandard, the hotel was not on the priority list of some 1,000 multiple unit dwellings which are far below code, but which are not scheduled for demolition.

The problem of the International Hotel was finally resolved in the form of a stunning victory for the Filipino community. A three-year lease was signed on July 10, 1969, between the United Filipino Association and the Milton Meyer Company. The Center for Community Change, a Ford Foundation funded organization which assists community organizations signed as guarantor of the lease for the United Filipino Association. Under the terms of the lease, the UFA will pay the lessor a flat monthly sum. The UFA will be responsible for repairing the damage caused to the Hotel in the fire in March, 1969, and of gradually bringing the building up to code standard. The UFA will ensure that the Hotel maintains its central role in the Filipino community and that rents charged to tenants are based on the individual tenant's income. A rent schedule has been formulated designating the percentage of income to be charged for rent. This varies from 15% to 20%, according to the amount of income. At the same time as managing the Hotel and living up to the terms of the lease, the UFA is working on the building of a permanent home for elderly Filipinos to be completed before the lease expires in 1972. The Mayor has agreed to provide an acceptable site for the permanent facility as well as staff assistance in planning. The City has also agreed to cooperate in sensible code enforcement. The UFA now has all the rewards and responsibilities of a "ghetto business," and is actively engaged in learning how to run a hotel. This resolution of the problems sur-

rounding the Hotel and its elderly residents was reached largely by negotiation and direct political action in the face of substantial political forces and after the legal machinery of the City had implicitly condoned the demolition of the Hotel and the displacement of its tenants. The Foundation, through its Director of Litigation, Sidney M. Wolinsky, and other attorneys, has been involved throughout the lengthy proceedings as attorney for the residents of the Hotel. Numerous other agencies and individuals have been involved, including planner Marshall Kaplan, the Human Rights Commission, Self Help for the Elderly, and the Center for Community Change.

Rios v. Rudolph, San Francisco Superior Court, Civil Action No. 599285; *Davis v. Rudolph,* San Francisco Superior Court, Civil Action No. 141588; *Gomez v. Rudolph,* San Francisco Superior Court, Civil Action No. 599286.

In January, 1969, the Foundation filed 3 suits against Rudolph Ford and Ralph Williams Ford, two major car dealers in the Bay Area. Each of the class actions attack a separate fraudulent practice or pattern.

The first suit alleges that defendants deliberately and repeatedly wrote into the contract a false monthly instalment figure, and then altered the figure after the contract was signed. The second suit contends that the car dealers used a false warranty to entice buyers, but that the warranty was not binding and not honored. The third suit alleges that Rudolph Ford, Ralph Williams Ford and the other dealers had an overall plan to cheat the public. This plan included refusing to sell the advertised vehicle and attempting instead to sell a higher priced car, advertising vehicles for sale after they have in fact been sold, charging excessive rates on insurance, frequently requiring insurance to be purchased when not necessary, and pressurizing plaintiffs by means of "sweat-box" techniques. These techniques consist of passing the customer from salesman to salesman, having the buyer initial a large number of documents, and negotiating in a tiny and hot office—all techniques designed to confuse and put pressure on the customer.

Certain charges in the Foundation's suits parallel the attorney general's suit of December 16, 1969, against Rudolph Ford, which charged the firm with "fraudulent. deceptive and unfair business practices . . . designed to confuse, mislead and through pressure, induce customers to sign a sales contract.

The Foundation's suits expanded upon the attorney general's suit by calling for rescission ("rollback" or "unwinding") of each of the car sale contracts, at the buyer's option they name individual defendants, such as Robert Rudolph and Ralph Williams, and allege still more fraudulent practices by the car salesmen and dealers.

Vanslayke v Williams Bayshore Chrysler Plymouth, San Mateo Superior Court Civil Action #146654.

In a suit filed July 17, 1969, in San Mateo Superior Court, customers of Ralph Williams Bay Shore Chrysler-Plymouth charged Williams and other Bay Area auto dealers with fraudulent sales and deceptive advertising.

The complaint charges the auto dealers offered to sell cars at monthly rates far lower than payments actually required by the purchase price, to get the customer to sign a sales agreement. Once the agreement is signed, the customer is told a mistake was made in figuring the monthly payments and the payments will have to be increased. The dealers are accused of similar price manipulations in calculating the costs of auto insurance. These practices, according to the complaint, are regularly used by dealers "to confuse, deceive and mislead customers in order to obtain their down payments and then trick and intimidate them into buying automobiles at higher monthly figures."

The suit also charges Williams and other dealers with making false and misleading statements in television advertisements and televising partial "views of automobiles which grossly misrepresent their actual physical condition."

Plaintiffs are seeking to enjoin Williams and other Bay Area auto dealers from continuing the alleged fraud and misrepresentation, and are asking for damages of $5,000 each from Williams. The suit, if successful, could directly affect auto dealers throughout the State.

Discovery is under way in all four auto cases, but none have as yet come to trial.

Mr. NELSON. Mr. President, have the yeas and nays been ordered on the passage of the bill?

The PRESIDING OFFICER. Yes. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS), are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), the Senator from New Mexico (Mr. ANDERSON), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea."

I further announce that if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska Mr. STEVENS), are absent on official business.

The Senator from Illinois (Mr. SMITH), is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 72, nays 3, as follows:

[No. 125 Leg.]

YEAS—72

Aiken	Griffin	Mundt
Allott	Hansen	Nelson
Baker	Hartke	Packwood
Bayh	Hatfield	Pastore
Bellmon	Holland	Pearson
Bennett	Hollings	Pell
Bible	Hruska	Prouty
Boggs	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Javits	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Saxbe
Cannon	Jordan, Idaho	Schweiker
Church	Kennedy	Scott
Cooper	Long	Smith, Maine
Cotton	Magnuson	Spong
Curtis	Mathias	Symington
Dominick	McClellan	Talmadge
Eagleton	McGovern	Thurmond
Ellender	McIntyre	Tydings
Ervin	Metcalf	Williams, N.J.
Fannin	Miller	Williams, Del.
Fong	Mondale	Yarborough
Gore	Montoya	Young, N. Dak.
Gravel	Moss	Young, Ohio

NAYS—3

Allen	Goldwater	Gurney

NOT VOTING—25

Anderson	Goodell	Percy
Brooke	Harris	Russell
Case	Hart	Smith, Ill.
Cook	Hughes	Sparkman
Cranston	Mansfield	Stennis
Dodd	McCarthy	Stevens
Dole	McGee	Tower
Eastland	Murphy	
Fulbright	Muskie	

So the bill (S. 3016) was passed, as follows:

S. 3016

An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969."

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and $2,148,000,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that, of the amounts so appropriated for each such fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $1,012,700,000 shall be for the purpose of carrying out title II, of which $338,000,000 shall be for the Project Headstart program described in section 222(a)(1), $60,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $25,000,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(4) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(5) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(6) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(7) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any such fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (7) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $240,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(3) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3): *Provided,* That no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;

(4) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(5) $150,000,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(6) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(e)(7);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(8) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 4. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "10 per centum" the first time it appears in the section and inserting in lieu thereof "15 per centum for the fiscal year ending June 30, 1970, and 20 per centum thereafter"; and

(2) striking out the following: "; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum".

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 6. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 7. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 8. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and transquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 9. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 10. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) Before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) and this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

AUDIT REQUIREMENT

SEC. 11. Section 243 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title."

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 12. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by——

(1) striking out "In" and inserting in lieu thereof "Except as provided in the second sentence of this section, in";

(2) inserting after the first sentence thereof the following: "No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222(a)(3) of the Act (relating to the Legal Services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within thirty days of such submission."; and

(3) by adding the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 14. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payment due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment.

Mr. NELSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3016.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I voted "yea" for the passage of this bill largely because of the fact that I do strongly support the Headstart program. I want it distinctly understood that there are other portions of the bill which I do not favor, and that I reserve the right, in the hearings on appropriations, to consider them on what I think are their very small merits.

I might state also that I voted for this bill, in some measure, because of the cordial and conciliatory way in which the matter has been handled on the floor, particularly in the most recent discussions. I want it to be clear that I do favor Headstart, and that much of the rest of the bill I do not favor.

Mr. NELSON. Mr. President, I should like to say, first, that as chairman of the subcommittee I appreciate very much the wonderful cooperation that I have received from the Senator from New York (Mr. JAVITS) and all the members of the minority who have worked with us over the past 6 months, off and on, through the hearings and in the markup, in order to develop what I think is a genuinely bipartisan bill. It could not have been done without the kind of spirit of cooperation that was manifested by the minority at all times; and, though we had differences from time to time, I think we resolved them with honest and fair compromise on each occasion.

I also wish to thank the members of the majority who worked so hard and cooperated so fully in getting this bill together, and as well the hard-working members of the staff on both the minority and the majority sides, who did the yeoman work of researching and putting the details of the committee report and the bills together, and performed all the various kinds of work without which we could not have gotten any bill before the Senate at all. I particularly wish to thank the majority staff of the subcommittee—William Bechtel, William Spring, Richard Johnson, Carol Williams, and Carole Dunn, and the minority staff—John Scales, Jo Ann Newman, Betty Noble, and Whitney Stewart.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JAVITS. I realize that whenever a difficult and important bill is over, these things are said; but the amount of work that goes into getting a job like this completed by committee members and staff is so great, and the degree of public spirit which is displayed in the compromise of views very deeply and sincerely held is so great, that it must be credited.

I had the invaluable assistance of Mr. Scales, the minority counsel on this particular subcommittee.

The Senator from California (Mr. MURPHY) is the chairman of the subcommittee. I am the ranking member of the whole committee and a member of the subcommittee. Senator Murphy would be speaking if he were here today. He did a remarkable job himself. He was most understanding and cooperative.

I wish to express my real satisfaction to the Senator from Wisconsin (Mr. NELSON), who epitomized the attitude he has exhibited toward members of the committee by the graciousness with which he handled the problem we had about an amendment following Senator MURPHY's necessary departure for California.

I compliment also the majority staff for the very hard work they have done, particularly William Bechtel, Richard Johnson, William Spring, Carole Dunne and Carol Williams. The satisfaction from these efforts comes through the realization of what is done for millions

of Americans by virtue of the bill we have acted upon; and I think the members of the staff can very well feel that they have had a really creative part—as much as we—in the final result.

Other members of the majority who were very active on this bill included the Senator from Minnesota (Mr. MONDALE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. KENNEDY); and, of course, without our chairman, the Senator from Texas (Mr. YARBOROUGH), the bill would never have come to the floor; for the cooperation and leadership of the chairman of the committee is indispensable.

On the minority side, this debate on the bill could have been extended interminably by the Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), and the Senator from California (Mr. MURPHY); but, feeling that they wanted the bill expedited, they handled the parts where they disagreed with great understanding and expedition, with the result of getting the bill passed in a day and a half. I am very grateful to them, and again I state I feel that the reward will come in the realization of the good we do.

Mr. YARBOROUGH. Mr. President, as chairman of the Committee on Labor and Public Welfare, I congratulate particularly the Subcommittee on Manpower and Poverty for their fine work on this bill, as exhibited on the floor of the Senate today. There has been great cooperation on the subcommittee between the majority and minority members, as cited by the distinguished ranking minority member of the committee, the Senator from New York (Mr. JAVITS), in bringing out a bill that authorizes the appropriation of more money, despite all the attacks on the poverty program, than was spent last year, and we think to better purposes. There have been some transfers and a shaking out of the less successful programs, with better support for the more successful programs. I believe the bill as passed represents a consensus of the views of both parties.

I particularly congratulate the distinguished Senator from Wisconsin, the chairman of the subcommittee (Mr. NELSON), who held long and arduous hearings, and the members of the minority who participated in them. As chairman of the full committee, I thank the members who attended the hearings and gave us their support. It is not easy to obtain a quorum these days. We have a rule in our committee that it can vote only with a majority of the committee present. Some committees do not have that rule. It was sometimes difficult, due to the absence of Senators for illness and other reasons, to obtain a quorum.

I believe we brought out a good bill, which, with the mine safety bill, the construction safety bill, and a number of other bills, adds up to a very significant record of accomplishment for the committee this year. I feel privileged to serve on the committee with the other 16 members, all diligent men, from both parties. The passage of this bill is another significant achievement they have attained through winning the confidence of the Senate on all but, I beileve, two amendments. After 2 years of one of the most controversial programs in the history of the Nation, to bring this major bill before the Senate and achieve its passage with only two contested amendments is, I think, a wonderful achievement for the committee.

Mr. KENNEDY. Mr. President, first of all, I commend the chairman of the Subcommittee on Manpower and Employment, as have the rest of my colleagues. I think few pieces of legislation which have come before the Senate have had a more direct effect on the lives and well-being of the people than will this measure.

As we all know, the history of this program has been that of a program which has done great good. It has been the subject of significant controversy as well. But any kind of endeavor which addresses itself to really meeting critical human needs and human problems would naturally engender some controversy.

I believe the chairman of the subcommittee has performed an extremely and sensitive service to the Senate. I commend the Senator from Wisconsin (Mr. NELSON) for his work on the legislation.

I commend the minority Members who have performed so well in the development of the legislation.

Mr. BYRD of West Virginia. Mr. President, I add my comments to those Senators who have expressed appreciation and admiration for the excellent work of the able Senator from Wisconsin (Mr. NELSON) in managing the bill on the floor today. I commend also the ranking minority member of the subcommittee, the senior Senator from New York (Mr. JAVITS).

It was a very fine display of work on the part of the Senator from Wisconsin and a very fine display of leadership with respect to a difficult bill to manage.

I voted for the bill, although there were certain aspects of the poverty program which I do not support on the basis of our experience in the operation of the program. However, I expect to vote to support reductions in appropriations when the time comes. And I reserve my right to do so with respect to those programs which I do not fully support.

I again compliment the able Senator and the members of the Subcommittee on Employment, Manpower, and Poverty.

AGREEMENT WITH CANADA RELATING TO ADJUSTMENTS IN FLOOD CONTROL PAYMENTS TO THE CANADIAN GOVERNMENT—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive H, 91st Congress, first session, the "Texts of Notes Constituting Agreement with Canada Concerning Adjustments in Flood Control Payments," dated August 18 and 20, 1969, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the approval of the Senate, I transmit herewith the texts of two notes, signed at Washington and dated August 18 and 20, 1969, constituting an agreement between the Government of the United States of America and the Government of Canada concerning adjustments in the flood control payments by the United States Government to the Canadian Government as a result of early completion of projects (Arrow Dam and Duncan Dam) contemplated by Article II (2)(b) and (c) of the Columbia River Treaty.

It is provided in the agreement that it will enter into force upon notification by the United States Government to the Canadian Government that all internal measures necessary to give effect to the agreement for the United States have been completed.

Pursuant to the treaty relating to cooperative development of the water resources of the Columbia River basin signed at Washington on January 17, 1961, Canada constructed the Duncan Dam and the Arrow Dam in British Columbia. The treaty provides that the United States shall pay to Canada specified sums with respect to each of the dams for the flood control benefits. The sums specified were based on a period of 55 years of flood control benefits, and it was expected that the projects would be completed subsequent to the spring of 1969. The dams actually commenced operation well in advance of the expected dates, so that the United States has received additional benefits for two years in the case of Duncan Dam and one year in the case of Arrow Dam.

The treaty provides that the United States would pay less if full operation of the storage were not commenced within the time specified, but does not provide for additional payments if such operation were commenced prior to the time specified. By an exchange of notes dated January 22, 1964, prior to the entry into force of the treaty, the two Governments agreed to consult with a view to adjustments in the payments if there should be an early completion of the dams. The agreement transmitted herewith has resulted from such consultation. It provides for a payment to Canada of a total of $278,000 for the additional flood control benefits resulting from early completion of Duncan Dam and Arrow Dam.

The treaty of 1961 does not without modification provide a basis for authorizing the additional payments. It is desirable, therefore, that in effect the treaty provisions be modified so that there may be an adequate legal basis for an authorization for appropriations. The notes of August 18 and 20, 1969 have been exchanged for this purpose.

I also transmit for the information of the Senate a report by the Secretary

91st CONGRESS
1st SESSION

S. 3016

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 1969

Referred to the Committee on Education and Labor

AN ACT

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act

are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and $2,148,000,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that, of the amounts so appropriated for each such fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $1,012,700,000 shall be for the purpose of carrying out title II, of which $338,000,000 shall be

for the Project Headstart program described in section 222 (a) (1), $60,000,000 shall be for the Follow Through program described in section 222 (a) (2), $58,000,000 shall be for the Legal Services program described in section 222 (a) (3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222 (a) (4), $25,000,000 shall be for the Emergency Food and Medical Services program described in section 222 (a) (5), $15,000,000 shall be for the Family Planning program described in section 222 (a) (6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222 (a) (7);

(4) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(5) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(6) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(7) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any such fiscal year are not sufficient to allo-

cate the full amounts specified for each of the purposes set forth in clauses (1) through (7) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $240,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222 (a) (1);

(3) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222 (a) (3): *Provided,* That no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;

(4) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222 (a) (4);

(5) $150,000,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222 (a) (5);

(6) $3,200,000 for the fiscal year ending June 30,

1971, to be used for the Senior Opportunities and Services program described in section 222 (a) (7) ;

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(8) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 4. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "10 per centum" the first time it appears in the section and inserting in lieu thereof "15 per centum for the fiscal year ending June 30, 1970, and 20 per centum thereafter"; and

(2) striking out the following: "; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum".

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 6. Paragraph (1) of section 222 (a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 7. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 8. Section 222 (a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather

than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than

$5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 9. The authority of section 602 (d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222 (a) (3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222 (a) (3) to any other existing Federal agency.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 10. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of

1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852 (a) (1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092 (a) (1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and

(b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

AUDIT REQUIREMENT

SEC. 11. Section 243 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title."

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 12. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "In" and inserting in lieu thereof "Except as provided in the second sentence of this section, in";

(2) inserting after the first sentence thereof the following: "No portion of any contract, agreement, grant, loan or other assistance made with, or provided to

carry out the provisions of section 222 (a) (3) of this Act (relating to the Legal Services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within thirty days of such submission."; and

(3) adding the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 14. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

(b) Upon notice from the Secretary of the Treasury or his delegate than any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payment due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment.

Passed the Senate October 14, 1969.

Attest: FRANCIS R. VALEO,

Secretary.

91ST CONGRESS
1ST SESSION

S. 3016

AN ACT

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

OCTOBER 15, 1969
Referred to the Committee on Education and Labor

HOUSE

11. GREAT PLAINS. Agreed to the conference report on H. R. 10595, to continue the Great Plains program for a 10-year period at the same rate of funding as it has been funded in the past. This bill will now be sent to the President. p. H10684

12. FOREIGN AID. The Foreign Affairs Committee reported H. R. 14580 (a clean bill in lieu of H. R. 11792), the foreign aid bill (H. Rept. 91-611). p. H10713

13. TRANSPORTATION; USER FEES. Passed 337-6, with amendments H. R. 14465, to provide for the expansion and improvement of the Nation's airport and airway system, and provide for airport and airway user charges. pp. H10627-79

14. RESEARCH. Received and agreed to the conference report on H. R. 11271, the National Aeronautics and Space Administration authorization bill (H. Rept. 91-609) (pp. H10679-84). Permission to file and consider the report had been granted earlier (pp. H10626-7).

15. EMPLOYMENT; POVERTY. The Education and Labor Committee voted to report (but did not actually report) H. R. 12321, amended, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964. p. D1036

16. FARM LABOR. A subcommittee of the Interstate and Foreign Commerce Committee approved for full committee action a clean bill in lieu of H. R. 13432, to amend the Public Health Service Act to extend the program of assistance for health services for migrant agricultural workers, to provide assistance for health services for other seasonal agricultural workers. p. D1036

17. UNEMPLOYMENT. The Ways and Means Committee voted to report (but did not actually report) a clean bill, H. R. 14705, to amend the unemployment compensation laws (p. D1037). Permission to file the report by midnight Nov. 10, was granted (pp. H10624-5).

18. TEXTILE IMPORTS. Rep. Dorn discussed the relationship between the Japanese textile imports and the return of Okinawa to Japan. p. H10695

19. OPINION POLLS. Reps. Cleveland and Ford inserted the results of opinion polls which include items of interest to this Department. pp. H10704-6, pp. H10708-9

20. FHA; HOWARD BERTSCH. Reps. Poage and Albert paid tribute to former FHA Administrator Howard Bertsch, and expressed shock at his sudden death. p. H10622

21. LEGISLATIVE PROGRAM. Rep. Albert announced that the program for Wed., Nov. 12, is as follows: H. R. 2777, the Potato Research and promotion bill, and H.J. Res. 589, expressing the support of Congress for the International Biological Program; and for Thursday and the balance of the week, the military construction appropriation bill for 1970, and H. R. 14705, to extend and improve the Federal-State unemployment compensation program, subject to a rule being granted. The announcement included the usual reservation that conference reports may be brought up at any time. p.H10684

UNITED STATES DEPARTMENT OF AGRICULTURE

22. ADJOURNMENT. Both Houses agreed to H. Con. Res. 441, to provide that the House stand adjourned until noon, Wed., Nov. 12. pp. H10621, H10626, S13913-4

EXTENSION OF REMARKS

23. FOREIGN AID. Rep. Fraser supported the foreign aid program and inserted an article, "Aid: The Reason Why." pp. E9465-6

24. FARM PRICES. Rep. Zwach called attention to "the plight of the farmer and the low prices he is receiving for his product" and inserted an article, "Farmers Don't Have to Apologize." pp. E9466-7

25. OPINION POLL. Rep. Sebelius inserted the results of his questionnaire, including items of interest to this Department. pp. E9474-5

26. CREDIT; TRUTH IN LENDING. Rep. Sullivan commended the Federal Reserve Board for amending regulation Z under the Truth in Lending Act to meet specific specialized problems which have arisen in connection with disclosure for certain types of agricultural credit. pp. E9490-5

27. ECONOMICS. Rep. Conable inserted an article, "Leading Indicators: Warnings on the Economic Horizon." pp. E9437-9

28. FOOD STAMPS. Rep. Reid, N.Y., spoke in support of the increased food stamp authorization but regretted the committee was not more generous. p. E9441

29. RURAL AFFAIRS. Rep. Schadeberg congratulated the administration on its announced establishing of a Rural Affairs Council. p. E9449

30. BEEF IMPORTS; TEXTILE IMPORTS. Rep. Dorn inserted a newsletter to his constituents complaining about the high prices of beef and the threat of low-wage, foreign textile imports. pp. E9449-50

31. POLLUTION. Rep. Dingell inserted an article reporting on a new area of environmental hazard, "The Insidious Nature of Chemical Pollution." pp.E9450-1

Sen. Symington inserted statements presented before a subcommittee of the Public Works Committee hearing in St. Louis on air and water pollution. pp. E9452-8

Rep. Gaydos commended a group in his District who have organized the "Committee for the Abatement of Air Pollution" and pledged his support of their goals. p. E9469

32, EDUCATION; TAXATION. Rep. Ashbrooke discussed and inserted a paper, "Federal Assistance to Higher Education Through Income Tax Credits." pp. E9459-64

BILLS INTRODUCED

33. FARMS; INFORMATION. S. 3124 by Sen. Miller, to authorize the Smithsonian Institution to promote the development of living historical farms in the U. S.; to the Rules and Administration Committee. Remarks of author S13848.

11. APPROPRIATIONS. The Appropriations Committee reported without amendment H. R. 14916, the District of Columbia appropriation bill, 1970 (H. Rept. 91-680). p. H11272

Received from the President amendments to the requests for appropriations transmitted for the District of Columbia for 1970 (H. Doc. 91-196). p. H11271

Conferees were appointed on H. R. 12964, the Departments of State, Justice, and Commerce, the Judiciary and related agencies appropriations, 1970 (H11230). Senate conferees have been appointed.

12. MILITARY CONSTRUCTION. Received and considered by unanimous consent, the conference report on H. R. 13018, the military construction authorization bill, 1970 (H. Rept. 91-679). The conference report was agreed to. pp. H11231-42, H11272

13. POVERTY. Permission was granted the Education and Labor Committee to file a report on H. R. 12321, the proposed Economic Opportunity Amendments of 1969, by midnight Sat., Nov. 22. p. H11230

14. EXPORT CONTROL; FOREIGN TRADE. Permission was granted the Banking and Currency Committee to file a report by midnight Fri., Nov. 21, on H. R. 4293, the export control bill. p. H11242

15. CLEAN AIR. The "Daily Digest" states that the conferees agreed to file a conference report on S. 2276, to extend for 1 year the authorization for research under the provisions of the Clean Air Act. p. D1105

16. FOREIGN TRADE. Rep. Conable praised the President's recent trade message. p. H11248

17. ENVIRONMENT. Rep. Quie inserted an article "A Modern Policy for Environmental Quality Protection," and other material on this subject. pp. H11256-62

18. CONSUMERS. Received from the Attorney General a draft of proposed legislation to amend the Federal Trade Commission Act to provide increased protection for consumers. p. H11271

19. MONEY POLICY; HOUSING. Reps. Albert and Anderson, Calif., urged administration review of its money policy particularly as it relates to housing. pp. H11177, H11242

20. HOWARD BERTSCH. Rep. Landrum commended the career of the late Howard Bertsch, former FHA administrator. pp. H11244-5

21. AGRIBUSINESS. Rep. Mize discussed the wheat industry in Kansas and praised the work of soil and plant scientists for their technological advantages provided to farmers and businessmen. p. H11266

22. LEGISLATIVE PROGRAM. Rep. Boggs announced the legislative program for next week which included consideration of the D. C. appropriation bill and the Federal-aid highway bill, and said that it is intended to go over from close of business Wed., Nov. 26, until Mon., Dec. 1.

23. ADJOURNED until Mon., Nov. 24.

UNITED STATES DEPARTMENT OF AGRICULTURE

EXTENSION OF REMARKS

24. POLLUTION. Rep. Rodino inserted an editorial, "Priority for Pollution," which echoes his concern about the need to act to solve the pollution problem. pp. E9869-70

25. ENVIRONMENT. Rep. Dellenback inserted a speech, "Wanted: A Unified Strategy for Environmental Protection." pp. E9876-8

26. TRADE. Rep. Wyman stated, "It appears that orderly marketing legislation is a must." p. E9892

27. PARKS. Rep. Dingell criticized "shortchanging" the land and water conservation fund program. pp. E9896-9

BILLS INTRODUCED

28. LABELING. S. 3164 by Sen. Montoya, to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Commerce Committee. Remarks of author pp. S14692-98.

29. CONSUMERS. S. 3165 by Sen. Montoya, to create the Bureau of Consumer Protection and providing for the appointment of a Director; to the Government Operations Committee. Remarks of author pp. S14698-701.

30. HISTORIC PROPERTY. H. R. 14896 by Rep. Aspinall, to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation; to the Interior and Insular Affairs Committee.

31. PROPERTY. H. R. 14898 by Rep. Fallon, to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs; to the Public Works Committee.

H. R. 14899 by Rep. Fallon, to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs; to the Public Works Committee.

H. R. 14902 by Rep. Henderson, to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the U. S., its territories, and possessions, to include privately owned property; to the Public Works Committee.

32. LAND CONSERVATION. H. R. 14901 by Rep. Hammerschmidt, to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization; to the Agriculture Committee.

33. RICE. H. R. 14909 by Rep. Pickle, to improve rice inspection; to the Agriculture Committee.

34. WATERSHEDS. H. R. 14918 by Rep. Blackburn, to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Agriculture Committee. Remarks of author pp. H11268-9.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of November 24, 1969
91st-1st, No. 194

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HIGHLIGHTS: Rep. Sullivan introduced and discussed standby credit control bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

HOUSE

1. EXPORT CONTROL. Received (Nov. 21) the conference report on H. R. 4293, to provide for continuation of authority for regulation of exports (H. Rept. 91-681). pp. H11350-3, H11354

2. POVERTY. The Committee on Education and Labor reported with amendment (Nov. 22) H. R. 12321, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (H. Rept. 91-684). p. H11355

3. CLEAN AIR. Received the conference report on S. 2276, to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act (H. Rept. 91-690). p. H. 11294, H11355

4. APPROPRIATIONS. Passed, 305-9, without amendment H. R. 14916, the District of Columbia appropriation bill, 1970. pp. H11295-307

5. RURAL AMERICA. Rep. Mize said that Secretary Hardin "eloquently spoke of the hope and potential of rural America at the annual meeting of the National Association of State Universities and Land-Grant Colleges at Chicago," and inserted his speech. pp. H11335-6

6. TIMBER. Rep. Meeds gave his views on, and spoke in support of, H. R. 12025, the timber supply bill. pp. H11344-6

7. ECONOMIC POLICY. Rep. Albert criticized the Administration's economic policy saying that in his view it affects the farmer and those less priviliged members of our society, including the aged and the unemployed. p. H11276

8. FARM LABOR. Rep. Teague, Calif., inserted a Western Growers Association resolution reiterating the objective of guarding against the employment of illegal entrants in the U. S. in the production of fresh vegetables and melons for the the public welfare. p. H11312

9. JAPANESE ECONOMY. Rep. Mize spoke on "the amazing growth of the Japanese economy," and said the problem of Japanese protectionism has been discussed in relation to many U. S. agricultural commodities. p. H11332-5

10. ENVIRONMENT; POWER LINES. Rep. Saylor inserted an article telling how the Pennsylvania Electric Company combines conservation measures with the construction of power lines. pp. H11343-4

11. FOOD ADDITIVES; HEALTH. Rep. Rarick discussed the application of balance between the potential harm and the demonstrated good of bans on certain products. pp. H11349-50

12. CONGRESSIONAL REFORM. Rep. Schwengel inserted his testimony before the Special Subcommittee on Legislative Reorganization. pp. H11328-31

13. THANKSGIVING RECESS. Both Houses agreed to S. Con. Res. 48, to provide that Congress recess from adjournment on Wed., Nov. 26, until Mon., Dec. 1. pp. S14952, H11307

91st Congress
1st Session
HOUSE OF REPRESENTATIVES
Report
No. 91-684

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

November 22, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Perkins, from the Committee on Education and Labor submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 12321]

The Committee on Education and Labor, to whom was referred the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes all after the enacting clause and inserts in lieu thereof a substitute which appears in the reported bill in italic type.

What the Bill Does

H.R. 12321 was introduced on June 23, 1969, carrying out the administration's request that the Economic Opportunity Act be extended for 2 years. The bill as reported contains a committee amendment which substitutes a new text for the bill carrying out the request of the administration for a 2-year extension of the act and adding three new titles to the bill. These titles emphasize and strengthen Headstart and Follow Through, the manpower training programs, Maintstream and New Careers, and the emergency food and health service program.

Evidence before the committee in hearings conducted beginning on March 24 and extending through June 2 disclosed that program operations were extremely effective in these three areas but that there was a need to enlarge the numbers of children and adults to be reached. Consequently, the bill specifically authorizes $110 million for Operation Mainstream and New Careers, an increase of $54,700,000 over the amount indicated in the administration's budget; $578 million for Headstart and Follow Through, an increase of $188.3

million over the amount proposed for expenditure in the administration's budget and $92 million for the emergency food and medical services program, an increase of $62 million over that proposed in the budget.

The following tables reflect authorizations as compared with the budget for 1969, 1970, and 1971.

Comparison appropriations, authorizations, budget estimates fiscal years, 1969–70

Fiscal year 1969 authorization	$2,180,000,000.
Fiscal year 1969 appropriation	$1,948,000,000.
Fiscal year 1970 Johnson budget	$2,180,000,000.
Fiscal year 1970 Nixon budget	$2,048,000,000.
Proposed fiscal year 1970 total authorization (H.R. 12321)	$2,343,000,000.
Proposed fiscal year 1971 authorization (administration request)	Such sums as necessary.
Proposed fiscal year 1971 authorization (H.R. 12321)	Such sums as necessary.

COMPARISON OF AUTHORIZATIONS WITH THE BUDGET

Authorizations by title of H.R. 12321	H.R. 12321 authorizations fiscal year 1970	Budget estimates fiscal year 1970
Title I: Authorization for all programs for which there are no separate authorizations	$1,536,000,000	$2,048,000,000
Title II: Special work and career development programs (new careers and operation mainstream)	110,000,000	[1] (55,300,000)
Title III: Special comprehensive preschool programs and programs providing for intensive follow through education for primary school children (Headstart and follow through)	578,000,000	[2] (389,700,000)
Title IV: Intensive programs to eliminate hunger and malnutrition (emergency food and medical)	92,000,000	[3] (30,000,000)
Total	2,343,000,000	2,048,000,000

[1] Budgeted but not earmarked in legislative authorizations; $41,000,000 for Operation Mainstream, and $14,300,000 of the $50,000,000 budgeted for Public Service Careers (including New Careers).
[2] Budgeted but not earmarked in legislative authorizations; $331,700,000 for Headstart and $58,000,000 for Follow Through.
[3] Budgeted but not earmarked in legislative authorizations.

Tightened Administration of OEO

Donald Rumsfeld, Director of OEO and our former colleague, when he appeared as the administration's spokesman before the Committee on Education and Labor on June 2, asked for a 2-year extension of the act.

> A 2-year extension, * * * will improve the management of this program by allowing longer range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs.
>
> The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.
>
> This is not a commitment simply to continue present programs. It is a commitment to find out what works and what

does not, to review the performance of these programs, and to utilize new knowledge. Our efforts over the past years have not been as successful as we might have hoped.

We must develop more systematic approaches to identifying the needs of the poverty population and to devising effective solutions to those needs.

Mr. Rumsfeld, in his testimony and in his actions as Director since, has committed himself to a more orderly and more efficient operation of the program, tightened administration, a more rational allocation of resources and a general improvement of the program. His commitment in this direction is consistent with the directions mandated by the Congress in the 1967 Amendments to the Economic Opportunity Act. At that time substantial revisions of the various programs were written, new programs devised, and tightened administrative directions were imposed on the agency. It is useful to remember at this point, that substantially greater legislative direction was imposed both programatically and structurally on all programs under the Economic Opportunity Act. There was increased emphasis on coordination of local planning of all phases of the war on poverty and increased emphasis on comprehensive employment programs. Rigorous new prohibitions were imposed on the use of any OEO funds for any partisan or nonpartisan political activities or voter registration in connection with elections for public or party office. Salary limitations and administrative cost limitations were imposed on all CAA's and their delegate agencies.

The Congress required not only substantial changes in the way OEO conducted its programs, it completely restructured and redesigned community action agencies. The potential role of the States in the Economic Opportunity Act program was substantially enhanced.

Community action agency.—A community action agency under the 1967 amendments was defined as a State or local subdivision of a State, or a combination of such subdivisions, or a public or private nonprofit agency designated by the appropriate governmental entity or entities and capable of conducting a comprehensive community action program.

The Director could designate a public or private nonprofit agency as a CAA if (1) the community action agency serving the community failed, having had a reasonable opportunity to do so, to submit a satisfactory plan for a community action program or failed to carry out such a plan or (2) neither the State nor other qualified subdivision or a combination of subdivisions was willing to designate either itself or a separate public or private nonprofit agency to be the CAA.

Under the 1967 amendments political subdivisions were permitted to elect not to be included in the program of a community action agency designated by a State or other larger political division. Where the local officials decided to exercise this option, then the political subdivision or a public or private nonprofit agency designated by it was declared by the act eligible to be designated as the area's community action agency on the same basis as other political subdivisions.

The Congress also adopted precise standards as to how community action agencies were to be administered. Community action agencies which were State or local governments or combinations of political

governments had to be administered through community action boards (having not more than 51 members) and constituted so that (1) one-third of the members were public officials (including the chief elected officials) or their representatives, (2) at least one-third had to be representatives of the poor, and (3) the remainder were to represent major groups and interests in the community at large. Any other community action agency had to be governed by a board with this same basic structure.

The powers of the governing boards included the determination and enforcement of the major personnel, fiscal and program policies, the appointment of senior staff members, determination of program plans and priorities, and approval of applications for community action assistance. Where there was a public agency governed by a "community action board," that board had to have a substantial opportunity to participate in the development and implementation of programs and projects for the poor with maximum feasible participation of the residents of the area and groups served.

Detailed provisions governing the operation of community action programs and dealing with such matters as quorums, accounting procedures, audits, et cetera were spelled out in the 1967 amendments.

Changes in structure and operation of community action agencies became effective on July 1, 1968, but the Congress appropriately recognized that the transition was likely to be a difficult one, particularly where any designated community action agencies were to be replacing existing ones, so a further period to February 1, 1969 was allowed for local CAA's to complete the transition.

While a vast majority of community action agencies in existence at the time of the 1967 amendments were redesignated by their responsible public officials, the designation of new agencies and restructuring of old agencies to meet the rigorous requirements of the Act required considerable effort and was in many places completed only a short time before the February 1 deadline of this year.

No further restructuring of CAA's has been required in the 1969 amendments, so as to allow for a period of stability during which agencies can improve their program administration and operation without the need to accommodate again so soon substantial changes imposed by legislation. Each time the Congress has dealt with the poverty legislation, it has substantially changed the ground rules. The majority of the members felt that this fact in itself contributed somewhat to the less than perfect operation of these important agencies.

Heavy weight was given also to the reorganization efforts promised, and now to a substantial degree carried out, by Mr. Rumsfeld, both of his own Washington office and the regional offices. Mr. Rumsfeld, in addition, promises to give substantially more attention to the way in which OEO policies are carried out at the local, State and regional levels. He has set up a new Office of Program Operation which is expected to improve the quality of field operations, to define more precisely the purposes for which grants and contracts are made, and to impose higher standards of effective management on the CAA's.

The committee feels that the new Director should have a reasonable time to solve problems administratively before new legislative directions were considered.

Role of the States.—The role of State agencies under title II of the act was substantially broadened by the 1967 amendments. In addition

to their previously spelled-out technical assistance functions, it was considered that they should undertake a more active role in assisting title II programs and coordinating State activities and resources to complement and supplement funds made available under title II of the EOA.

It is fair to say that this expansion of State responsibility contemplated by the 1967 amendments has not occured. Mr. Rumsfeld, however, has indicated an intention to substantially upgrade the role of the States in the poverty program. He has said:

> It has become increasingly clear in my first months in office that the resources available at the State level have not been brought to bear as fully as they might have been in the effort to build routes out of poverty.
>
> The States have much to offer, yet they cannot contribute effectively without the opportunity for more meaningful participation. James Martin, representing the National Governor's Conference and the Council of State Governments in testimony before the House Education and Labor Committee last April, made this case. He pointed out that no new legislation is required because the existing OEO legislation provides in 15 instances for an active State role. But he added that full participation has not been encouraged by OEO officials.
>
> In the future, there will be encouragement * * *
>
> * * * the administrative authority provided for in the Economic Opportunity Act will be exercised. After careful study and review, I have decided to take several steps to strengthen the State contribution to the poverty program.
>
> Some of these changes are spelled out in a completely revised OEO instruction on the role of the State economic opportunity offices * * * Among the changes are:
>
> Greater involvement of the SEOO's in the regional funding plans for OEO-funded programs within each State.
>
> Systematic consultation with the SEOO's in the training and technical assistance process.
>
> Fuller participation of SEOO's in the monitoring and evaluation of OEO-funded programs.
>
> A requirement that regional offices work out a joint agreement with the SEOO's on the coordination of field personnel activities.
>
> Increased emphasis on the role of the SEOO as a mobilizer of State resources for use against poverty.
>
> A clear statement encouraging a more important role for the SEOO's in State government.
>
> Where the added responsibilities imposed on the State offices require more staffing and resources, and where innovation and effectiveness have been shown, we will attempt to increase the budgets of individual State offices.

In view of the commitments made by Mr. Rumsfeld, a majority of the committee decided it would be unwise to legislatively impose what might better be accomplished administratively by the Director of the agency.

None of the witnesses appearing before the committee proposed State operation of the poverty program. A number of administrative assistants of Governors, State technical assistance directors who are appointed by the Governors of the States, testified during the hearings. None of them proposed that the States should run the poverty program. It is a fair inference from their collective testimonies that the Governors of the several States would be quite satisfied with effective implementation of the 1967 amendments.

Research and Demonstration.—The provisions of the EOA relating to research and demonstrations were amended in 1966 to emphasize the need for rural development programs and for local review of new demonstration programs before they were commenced.

In the latter respect, OEO has given diligent attention to the act. The committee regrets to say that there has not been as much attention to the former. The committee notes there is an implication in some press statements and speeches, as well as in some of the draft regulations being circulated, that programs designed to relieve rural poverty will be deemphasized by this administration. The committee would remind the Director and others responsible for the administration of programs under his direction, that the EOA is replete with indications of a congressional intention that poverty in rural America be given its fair share of attention and resources.

Evaluation of Program.—A new provision of the 1967 amendments calls for the evaluation of all title II programs under standards developed and published by the director. The committee regrets to say that progress in this area has been disappointingly small as evidenced by reports of the General Accounting Office, and our own investigations.

It would be unfair to criticize the new director for this failing and useless to rewrite the requirement, but the committee will insist in the future on a more rational and scientific evaluation of OEO efforts than has been forthcoming to date.

Obligation of Funds.—It has come to the committee's attention that an ambiguity exists in the provisions of section 242 of the Economic Opportunity Act which requires the submission of plans for proposed community action grants to State Governors for approval or disapproval. The language of this section could be interpreted as prohibiting the obligation of funds for such assistance until the entire approval process has been completed. In the past it has been OEO's practice to obligate funds for such grants before the plan is submitted to a State Governor, with authority continuing in OEO, of course, to deobligate the funds in the event the grant is ultimately disapproved by the Governor and the director of OEO does not, pursuant to law, override the Governor's veto. The committee approves this practice. Congress did not intend in its enactment of section 242 to require that the obligation of funds for community action grants be delayed until the Governor's approval has been obtained.

Mainstream and New Careers

The committee bill contains a revision in the basic manpower section of the act. Two programs which have experienced an unusually high degree of success and usefulness, "Operation Mainstream" and "New Careers" are removed from title I–B and given special, separate

status in a new part E of title I. In addition, the committee, in recognition of the proven value of these two programs, has specifically earmarked $110 million for Mainstream and New Careers. This represents an increase over the President's budget of $54,700,000. It is the committee's intention that approximately $60 million be made available for Mainstream activities and approximately $50 million for New Career's activities.

At a time when economic conditions are adversely affecting the unemployment rate, increases to these two programs, one of which provides useful jobs to those who are hopelessly unemployed and the other of which discovers and trains people for new kinds of employment, are more than just appropriate. They are mandatory.

With a comprehensive review of manpower policy scheduled for early in the next session of this Congress, the committee decided that it would not undertake substantial revision of title I at this time.

However, reports which have reached the committee in growing numbers recently make it necessary for us to speak clearly on one point. Section 122 of the Economic Opportunity Act calls for the director of OEO to designate prime sponsors for the purpose of receiving funds under section 123 (manpower programs) and developing and administering a comprehensive work and training program.

The concept of a local prime sponsor was thoroughly discussed in 1967 both in committee and in conference. In both places there was strong desire to indicate in the legislation that the local CAA should receive preference insofar as such designations were concerned. This was not done for one reason only. It was finally conceded that not every CAA was the agency in its community best suited to perform the task of prime manpower sponsor. Therefore it was decided that the Director ought to be free to designate an organization or agency other than the local CAA where the circumstances warranted it.

So the committee was deeply disturbed to learn that the administrators of these manpower programs have, on their own initiative, attempted to create in another agency the same kind of vested rights which were specifically denied the CAA's for the reasons described in the preceding paragraph. Reasons, we would add, which still make sense to us.

Nowhere does the statute contemplate such rigidity; in fact, the language clearly indicates that a flexible approach was being prescribed. Any guideline or directive which guarantees rights or program functions to a particular agency on a nationwide basis represents a flagrant abuse of authority.

The committee suggests in the strongest possible terms that the administrators of these programs reexamine the statutes and intent of Congress in this matter.

New Careers.—The New Careers program is aimed toward meeting major public policy objectives: (1) To provide meaningful job opportunities in the existing labor market for disadvantaged persons; (2) to help meet the serious and growing shortages of manpower in the area of services, especially at the professional and technical level; and (3) to provide more effective services, especially to those who are most in need of them.

The unique essence of the New Careers program which emphasizes its importance as a demonstration program is its combination in a new way of the following components: (*a*) New entry routes to

human service jobs for persons disadvantaged by educational, training, and other "credential" limitations; (*b*) a new design of training and work, with special arrangements for necessary educational and supportive services; (*c*) redesign and restructuring of jobs based on new analysis and change in service delivery systems, so as to enhance the role of the professional and the technician in human services while making possible (*d*) the definition of job ladders with built-in opportunities for realistic career advancement for New Careers workers.

The New Careers program has had little more than 2 years of implementation. Because it is a career program and not just a "job" program, more time will be needed to evaluate adequately the full program accomplishment. But testimony before the committee and other available evidence has indicated several positive achievements. The demonstrated potential of hitherto excluded groups of people to make meaningful work contributions and to seek career advancement has been unquestionable. A large percentage of the enrollees entering the program have been on welfare. Training, education, and career jobs have enabled them to become self-sufficient in jobs that provide needed services to people like themselves. The New Careers program's enrollee retention rate has been high, due, in part, to the opportunity to go beyond the entry level position to jobs with more responsibility and higher salaries. This desire for self-advancement is one of the most gratifying consequences of the program. Many trainees work and go to classes full time, then spend evenings studying in spite of heavy family responsibilities. Equally gratifying are the adjustments being made by colleges—particularly community colleges—to adapt their admissions requirements, curriculums and teaching arrangements to allow easier access to new careerists wishing to take college courses toward various degrees.

Initial experience has also identified some of the barriers which must be overcome before the full potential of new careers can be realized. Limitations on new careers in its initial stage flow from problems of implementation and funding rather than the merit of the program itself and underline the importance of continuing new careers as a developing demonstration program.

New Careers has special significance for the emphasis now being given to the provision of work alternatives for welfare recipients. The program has specifically demonstrated the potential for transfer from welfare to human service status. The job entry and job advancement features of New Careers are essential if the "work for welfare" alternative is to mean more than "dead end" jobs and meet the goal President Nixon expressed in his manpower message, "We must look at manpower training with new eyes: as a continuing process to help people to get started in a job and to get ahead in a career * * * A job is one rung on the ladder of a lifelong career of work."

The Committee has been gratified to learn of the Department of Labor's plan to expand New Careers principles into its public service Careers program relating to State and local civil services and the grant-in-aid program. Such an extension, provided the quality of the New Career opportunity is preserved, is a most desirable consequence of this demonstration program. The Committee expresses its concern, however, and warns against the danger of allowing expansion of New Careers into general manpower and public service areas in such a way

as to permit dilution of the essential program features of New Careers outlined above. This has occured in some instances where New Careers has been submerged in the general Concentrated Employment Programs. We urge the Labor Department to remedy this development. There has even been some evidence that New Careers funds have been diverted to non-New Careers general manpower purposes. We consider this to be a completely improper practice.

We are aware of the temptation to diminish the quality of the New Careers demonstration by adapting the cheaper route of simple entry job creation avoiding the problems of career development. In reaffirming our support of the New Careers program we reemphasize our legislative intent to mandate its full career development content and to this end we urge the Department of Labor to assure that—

1. The demonstration character of the New Careers program is clearly maintained, with full recognition that such a program with special supportive service and training involves higher costs which must be adequately funded to achieve the program quality provided by this legislation.

2. The duration of the various New Careers programs and the availability of appropriate New Careers assistance to individual trainees for continued education and training must be extended to permit full development of career potentials.

3. The guidelines governing the New Careers program are designed to eliminate any possible confusion by clearly stating the distinct status of the New Careers demonstration program. Specifically, the confusion and threat to quality programs resulting from the present CEP and non-CEP division of New Careers should be ended.

4. Additional New Careers programs are developed to maintain the growth and development of the demonstration effort.

5. Special emphasis is given to providing released time with pay for support of the training and education essential for career advancement.

We also urge the Labor Department to take steps to assure more adequate program evaluation, to provide the technical assistance required to make the program fully effective, to make the program applicable in nonurban poverty areas, and to take special steps to prepare professionals for the use and development of New Career personnel.

Operation Mainstream.—Operation Mainstream is a job creation and work training program funded under title I–B of the Economic Opportunity Act. The principal objective of this program is to provide work-experience for chronically unemployed poor adults who have no reasonable prospects for unsubsidized full-time employment and who are unable, because of age or otherwise, to secure employment or training assistance under other programs. Priority is given to those persons who: (1) have been unemployed for 15 consecutive weeks, repeatedly unemployed during the past 2 years, or employed less than 20 hours a week for more than 26 consecutive weeks; (2) have completed some training but remain unemployed; and (3) lack current prospects for training or employment because of age or some other factor.

Operation Mainstream enables enrollees to participate in projects for the betterment or beautification of the community or area served

by the program and in activities which contribute to the management, conservation, or development of natural resources, recreational areas, parks, and highways in rural areas or towns. This includes roadside beautification (such as renovation of public recreation areas) the building of vest-pocket parks, the improvement of homes of welfare recipients or the elderly poor, and other types of activity associated with community service. For example, enrollees participated in cleaning and rebuilding of 17 parks and numerous buildings in Fairbanks, Alaska, after the flooding of the Chena River. In Stockdale, Tex., and surrounding communities, Mainstream enrollees assisted in emergency rebuilding and repairing of homes wrecked by floods and clearing out flood-diversion ditches.

The program is administered primarily through Community Action Agencies. In some instances, Operation Mainstream is operated by municipalities or county governments, and on occasion, by private nonprofit organizations and institutions.

Among the new projects funded during 1968 were two new pilot projects sponsored by the National Council on Aging and the National Council of Senior Citizens. Designated the Community Senior Service Corps program, these projects, funded for slightly over $1 million each, serve 800 enrollees, aged 55 and over, in 20 locations across the Nation. Working 20 hours a week, enrollees provided the variety of social, health, and educational services discussed above.

The Green Thumb Older Workers project was expanded in 1968. Green Thumb employs disadvantaged males over age 55 in beautification and conservation activities and now supports 2,044 enrollees in 14 States (Arkansas, Indiana, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Virginia, and Wisconsin). Demands from park and highway departments for work crews from Green Thumb far exceed the funds available for the program.

In almost 2 years of operation, the Operation Mainstream program has provided nearly 20,000 enrollment opportunities at a Federal cost of $72 million. Analysis of enrollee characteristics indicates that Operation Mainstream is serving those for whom it is intended. The typical enrollee is 42 years old, has a ninth grade education, and lives in a family with a total annual income between $1,000 and $3,000. Sixteen percent of enrollee families receive public assistance, while about 10 percent live in public housing. A little more than half of these families consist of four or more persons and over 60 percent of the enrollees are heads of households. Men and women represent 84 and 16 percent of enrollees respectively; the racial composition is 60 percent white, 25 percent Negro, 10 percent American Indian, and 5 percent oriental and other. Forty-five percent of all enrollees have been age 45 and older. Seventy-five percent live in rural areas.

Persons in the labor force age 45 and over constitute one out of four of the total unemployed, and half of those unemployed for more than 6 months. Once these older persons are unemployed, they have great difficulty securing new employment. Despite increasing prosperity, the proportion of long-term unemployed made up of men 45 and over has risen from 31.5 percent in 1961 to 39.2 percent in 1967. In 1967, when a monthly average of 725,000 persons 45 and over were unemployed, the duration of the unemployment was double the average for those under 45. In addition to those unemployed about an equal number—

700,000 persons—age 45 years and over were working less than full time in an average week. Although overall unemployment rates are low for adult males, beginning at the age of 45, the risk of unemployment is 25 percent greater and at the age of 55, 37.5 percent greater.

Efforts are being made to increase older workers' participation in the Mainstream programs, such as projects sponsored by the National Council on Aging and the National Council of Senior Citizens. In these new programs, enrollees will provide a variety of social, health, and educational services to their communities. Some of the activities involved are:

Visiting the helpless elderly and aiding them with such chores as shopping, housework, and repairs.

Delivering meals to homebound aged persons.

Escorting the elderly to doctors' offices or social welfare agencies.

Following up on hospital discharges.

Serving as teachers in the Headstart program.

Serving as aides in social welfare agencies, hospitals, and day care centers.

Helping to implement the food stamp program.

Surveys and interviews have revealed great enthusiasm for the program among the enrollees; meaningful employment is apparently an excellent means of restoring self-respect. More than a third of the enrollees have found regular jobs as a result of the skills gained while working in the program.

In addition to the above, earlier this year the committee undertook a survey of various OEO programs in order to determine their effectiveness. In response after response the committee was told that this program was the only hope for countless citizens, particularly those in rural America. Sheriffs, county judges, State legislators, and mayors were unanimously enthusiastic about the accomplishments of this program and the tangible benefits it had brought to their communities.

Headstart and Follow Through

Headstart.—One of the most effective programs initiated under the authority of the Economic Opportunity Act of 1964 has been Project Headstart. In recognition that the early years of childhood are the most critical in growth and development Headstart was designated as a national emphasis program in 1965. Essentially Headstart is a comprehensive preschool program for poor children and their families. The program encompasses a range of developmental activities and social services designed to fit individual needs with strong emphasis upon parental participation in program activities. Headstart programs are run either on a full-year or on a summer basis. Full-year programs serve primarily 3–5-year-olds. Summer programs on the other hand serve 5–6-year-old children who are about to enter, for the first time, in the fall—either kindergarten or the first grade. Summer programs provide a full range of the services as provided in the full-year program but stress detection of medical, dental or other problems requiring immediate attention which will enhance the ability of the child to gain a meaningful educational experience from his first venture in school. In fiscal year 1969, 217,000 children participated in full-year

programs at a cost of approximately $233,800,000. Summer programs served about 447,000 children at a cost of about $98,700,000.

The Administration has proposed that in fiscal year 1970, 262,000 children will be served in full year programs but that only 218,000 will be served in summer programs at a cost of $308,400,000. The Administration estimates that to make a conversion of summer programs to full year programs will result in approximately half of the summer programs being changed to full year operations with an enlargement of the full year operation by 45,000 children. In addition, the Administration proposes that experimental programs at a cost of $10 million will be conducted during the year and that funds will be employed to train employees and provide other technical assistance to grantees of Headstart funds. Rounding out the proposal will be the refunding of existing parent-child centers at a cost of $3.6 million with $1 million being allocated for 20 new such centers. During the past fiscal year, 35 such parent-child centers have been operational on a pilot project basis.

The increased authorizations given Headstart by the committee amendment and the creation of a new title IX to provide specifically for its authorization is not intended in any way to alter the direction of the program but rather to emphasize its importance in the total effort to eliminate poverty. In view of current steps being made by the Administration to encourage conversion of summer programs into full year programs, it is more essential that additional funds be provided so as to enable the program to reach more of the extremely needy children who should be served by it. The administration in this regard estimates that there are 1,305,000 preschool children who need and are eligible to participate and that there are in addition 1,050,000 families with children under 3 years of age who could be served by parent-child centers. The funding levels proposed by the Administration are such that only one-third of this need can possibly be met.

Follow Through.—As has been previously indicated in this report the funds earmarked for projects Headstart and Follow Through in the amount of $578 million represents a $188.3 million increase over the amount proposed by the Administration for expenditure on these two programs. During the current year the committee believes an appropriate allocation of funds to these programs in order for them to reach a maximum number of needy children in an effective way would be to provide $458 million for Headstart and $120 million for Follow Through.

Follow Through is designed to capitalize upon and augment the gains children have made in their participation in Headstart programs and other preschool programs. In Follow Through the resources of the school, the community, and the families are brought together in a total way in meeting a child's instructional, physical, and other developmental needs in the early elementary years. In fiscal year 1969, 35,000 children in kindergarten through the third grade were assisted by the program. Proposed budget funding levels for fiscal year 1970 will only enable 62,000 children to benefit from Follow Through projects. The committee feels that, in view of the tremendous need, twice this number should be receiving the benefit of this program during the current year and, accordingly, is providing authorizations to accomplish this goal.

Continuation of Programs.—Section 904(a)(1) authorizes the continuation of both Project Head Start and Follow Through as integral elements of title IX programs, notwithstanding the repeal of section 222(a)(1) and (2). The proposed language would permit both the refunding of existing Head Start and Follow Through projects as well as funding of new projects. This continuation of authority also extends to the continuation of training, technical assistance, research and evaluation activities in support of title IX programs as previously authorized by sections 222(b), 232, and section 233(a). It is the intention of the committee that the authorities contained in each of these sections be fully available to HEW for purposes of administering title IX.

Eligible children.—As has been explained heretofore in this report, the committee does not intend to alter the major thrust of programs in Headstart and Follow Through. The committee amendments do, however, recognize that in cases of questioned economic eligibility, where there are factors of cultural or educational disadvantage, it is highly appropriate and indeed essential that children who come from families of modest means not be excluded.

Authority to prescribe regulations.—The committee intends that regulations shall be promulgated with respect to title IX activities which are consistent with the objectives of sections 223, 230–232, 241–244, 604, 606–617, and 619–620, and the authorities conferred by those sections shall be available to the agencies administering title IX programs.

Delegation of title IX programs.—The committee is aware that both Headstart and Follow Through are delegated to the Department of Health, Education, and Welfare. The committee recognizes the arrangements under which Headstart is administered by the Office of Child Development and anticipates that Office will administer it and other preschool programs. The committee also anticipates that the Office of Education will continue to administer Follow Through as well as the related programs for primary schoolchildren. It is the understanding of the committee that the Office of Child Development has been authorized by the Secretary to coordinate early childhood programs throughout the Department and it expects that the Office of Child Development will work very closely with the Office of Education on Followh Trough programs.

The committee expects that a new delegation and memorandum of understanding will be prepared by OEO and HEW consistent with the language of these amendments and the directions contained in this report.

Coordination.—The committee notes with approval the efforts being made to develop the 4–C (community coordinated child care) program in response to the requirements of title V–B of the Economic Opportunity Act. It expects HEW to continue to provide leadership to those efforts and to seek to involve actively Federal, State, and local officials from all relevant agencies.

Training and technical assistance.—The committee wishes to stress the importance of providing adequate training and technical assistance in connection with programs under the act. Specific authority for these activities has not been provided in the two new titles and the

new part which the committee's bill adds to the act, since the administrative authorities of the Director are broad enough to enable him to provide these supportive services.

Intensive Programs To Eliminate Hunger and Malnutrition

The 1967 amendments created a special national emphasis program within the Office of Economic Opportunity that would furnish food and medical services to the malnourished poor on an emergency basis. It is recognized that present programs, unless vastly expanded, will not eliminate poverty-related malnutrition throughout all areas of the country.

A new title X is added to the Economic Opportunity Act by title IV of the reported bill. Title X calls for intensive programs to eliminate hunger and malnutrition, which programs have been devised to supplant the emergency food and medical services (EFMS) program. It is a significant step in assuring effective delivery of food and medical services to those in need.

In 1967 little was known about the extent of hunger and malnutrition in America. Today, hundreds of hearings, surveys, and reports later, we know that many millions of poor Americans do not have sufficient incomes to buy the proper diets to maintain their nutritional health, and millions of these can scarcely afford a low-cost diet used to calculate basic welfare allotments. We know that there is a high incidence of nutritional deficiency among the poor with respect to iron, vitamins A, C, and D, and, on occasion, protein, particularly among infants and preschool children. We know that the quality of the diets of the poor grew worse from 1955 to 1965, with over one-third of the poor consuming diets in 1965 that failed to meet two-thirds of the recommended dietary allowances for one or more essential nutrients. We know that malnutrition can and often does result in seriously stunting the intellectual as well as the physical growth of children from low-income families.

In 1967 we hoped that an interim infusion of poverty funds would suffice to correct the inadequacies of our governmental efforts to feed the poor. Today, after nearly 2 years of EFMS experience, we have learned that slim sums of money administered transitorily do not offer a satisfactory solution to the problem of hunger and malnutrition. As of August 1969, only 6,868,000 Americans were receiving stamps or commodities, leaving almost 20 million poor persons without any form of Federal family food assistance. In the 1968–69 schoolyear, between 3 percent and 5 percent of the needy children in school received a free lunch and less than one-third of the 8.4 million schoolchildren from low-income families obtained a slight reduction in the price of their lunch. This committee and the House have taken steps to enrich the school lunch program to better enable it to serve hungry schoolchildren.

In light of the undeniable and overwhelming need and the inconsequential nature of the efforts to meet it to date, we have, while continuing to pursue an overhaul of our entire present system of food aid, determined substantially to expand the funding of OEO's program to furnish food and medical care to eliminate malnutrition. We propose to authorize the expenditure of $92 million for the present fiscal year (from a base of $24 million in fiscal 1969) with open-ended authoriza-

tion for fiscal 1971. The improved program we support would deal expeditiously and with an overriding sense of urgency with the problems associated with malnutrition. Food and medical services and medical supplies would be provided to the poor because they are poor and thus likely victims of malnutrition, without wasting limited program resources on exhaustive and expensive clinical and biochemical tests to demonstrate conclusively the existence of malnutrition prior to delivering help. Doctors should be employed to treat the poor who are weak and diseased from malnutrition and to prescribe medicines for them, but no longer to make surveys of their condition. Doctors are not necessary to make the essential diagnosis; lack of adequate income is the single best criterion for detecting its presence.

Our new program would expand the old in terms of available funding as well as broaden the scope of OEO's authority to intervene to supply food and medical treatment. It would also redirect the program's focus to emphasize the special food and medical needs of the poor who are either 5 or under, or over 55. These are really the forgotten Americans when mealtime comes. Some 2.7 million American boys and girls below the age of 5 are poor. Less than a third of them are in families receiving either stamps or commodities. Less than three-quarters of a million of them obtain food from Federal programs such as Headstart, day care, nonschool food service, and the like. There are an estimated 7.9 million aging poor people over the age of 55. No more than 725,000 of them can and do purchase stamps; 770,000 collect commodities; the remainder, in excess of 6 million elderly poor persons, languish unfed through any Federal resource.

EFMS Activities.—Our revision of the 1967 legislation is not intended to suggest adverse comment upon the present course of the EFMS program. We are satisfied that it is doing an excellent job with the limited resources at its command. The program was enacted in December 1967. During its first half-year of life, in fiscal 1968, it spent $13 million, $3 million of which was transferred to USDA to pay for minor changes in the food stamp program. By the end of fiscal 1969, EFMS had expended another $24 million, for a 2-year total of $37 million, to help assure the poor adequate nutrition and freedom from nutrition-related health problems. The $34 million available in 1968 and 1969 was distributed in the form of grants to 245 projects covering 340 counties in 24 States and 11 special demonstration projects.

OEO now operates over 401 EFMS projects through community action agencies that cover 1,003 counties, including nearly all of the Nation's 256 poorest jurisdictions. EFMS provides direct food aid to its several million clients. It distributes cash or vouchers to purchase food stamps in food stamp areas. Approximately 37 percent of the families who received EFMS help were enabled to buy stamps, with an average of two $32 grants per family for the normal 6 months' life of each project. EFMS grants funds to obtain foodstuffs in commodity distribution and food stamp counties or places without any Federal family feeding assistance. Fifty-eight percent of all the families served were aided in making purchases of food from retail grocers with an average of two $23 grants per family over 6 months. It furnishes money to permit needy children to participate in the school lunch program, although only 16 percent of EFMS families were helped in this fashion, the average family being given 21 cents for each of 70 meals in the course of one-half year.

Through indirectly facilitating access to existing Federal food programs by providing services such as outreach, transportation (to and from commodity distribution centers, food stamp issuance centers, and places of certification for eligibility for either program), and staffing of local offices, EFMS has managed to increase participation in such programs in many counties by 15 percent or more. In Taliaferro County, Ga., for example, the food stamp program was at a minimal level of participation until EFMS money flowed in to help the poor afford the purchase price of the stamps. When the EFMS grant was depleted, participation declined disastrously. When the grant was renewed in May of this year, even with as small a sum as $35,000, it soared again and the poor were fed. Of those who received EFMS benefits and services, 25 percent were initially enrolled in USDA food programs as a direct result of EFMS assistance.

EFMS has effectively reached the poorest of the poor and helped meet their basic need for food. EFMS' clients include people who have never before been affected by any Federal program. We heard extensive testimony from the contractor charged with evaluating and monitoring the administration of EFMS on a nationwide scale. The contractor indicated that 50 percent of the families served by EFMS have monthly incomes ranging from $51 to $200. Twenty-five percent earn $50 or less every month. The average monthly income for all of the families in the program is estimated to be $125 per month or $1,500 annually. Fifty-two percent of those whom EFMS helped were unemployed. Fourteen and four-tenths percent reported from 1 to 7 months with no income from any source whatever.

These statistics are at once horrifying and gratifying. They demonstrate that EFMS has been and is as successful as its limited finances permit it to be. They prove that the job still to be done demands a major injection of funds in order to serve people who will otherwise be bypassed and disregarded by other Federal agencies and their programs.

The figures reveal that the $30 million tentatively scheduled by OEO for EFMS purposes in fiscal 1970 is totally inadequate if OEO's food and medical aid is to have any significant impact on the local level. Thirty million dollars would barely serve to keep the present programs in place after taking into account $500,000 in food help already rendered by EFMS to sufferers from Hurricane Camille. At an expenditure level of $30 million, no new programs could be contemplated and old ones would be compelled to curtail their natural growth rate. Meanwhile, the 20 million-plus poor Americans who receive no food assistance from either Federal, State, or local governments would be left to their own limited devices and, ultimately, to the ravages of poverty-related malnutrition. This would occur despite the fact that the vast majority of the neglected poor live in areas where Federal aid is hypothetically available. Less than 325 counties still have no adult feeding program (although thousands of townships have none), and 30,000 schools are not involved in serving lunch. This aid could be secured if the barriers to participation were reduced by a combination of program reforms (this committee has already undertaken this task in connection with the school lunch program) and wise investment by community action agencies of considerably expanded EFMS funds to facilitate the utilization of existing food programs and the installation of programs in areas where they do not now exist.

Medical care.—According to the evidence before this committee, only 14 percent of EFMS' clients were assisted in obtaining medical care, and much of the money originally allotted to medical components was eventually rebudgeted for food. This failure to exploit the medical aspects of the program to the same extent as its food dimension is attributable to stringent interpretation of language in the original statute by the EFMS program guidelines, to the shortage of money for meeting insistent food needs which are generally easier to deal with administratively, and, even where neither of these two obstacles proves insuperable, to the general unavailability of adequate medical care in the areas of greatest need, particularly in rural counties.

The OEO guidelines pursuant to which EFMS operates restrict grantees to providing medical services, including diagnosis and treatment, that correct "specific health problems that are directly caused by or directly related to malnutrition, hunger, or starvation." The issue of causality and direct relationship is a complex one even for doctors. There is no accepted definition of which illnesses are eligible for treatment under the program and which not. It has become virtually impossible for community action agencies to determine who is entitled to be referred for diagnosis and treatment as a direct victim of malnutrition. Many agencies have pleaded with OEO to permit the use of EFMS funds for general medical care where malnutrition may reasonably be determined to exist or there is a risk of impending malnutrition.

By virtue of the new language contained in title X this committee is endorsing that request. Emergency family medical services and supplies (the latter were not mentioned in 1967) are required frequently in the homes of the poor to counteract and prevent conditions associated with the existence of malnutrition. Where a local agency finds the need to exist and the supply is available, it should feel free to utilize part of its EFMS allotment to purchase the services of doctors, nurses, technicians, and paraprofessionals, and such items as drugs. The committee realizes, however, that even $92 million is grossly insufficient to begin to pay for the medical services that would be required to overcome the consequences of and forestall the onset of malnutrition, particularly when there are food demands competing for equal, if not greater attention.

Research and development.—Since 1968 approximately $5 million of EFMS money has been invested in research and development grants to promote innovative approaches to combating hunger and malnutrition. At present, EFMS has approximately 50 such projects in operation. Among them are projects that are:

Delivering food and nutrition education to Indians on remote reservations and to migrants who have never been served by other food programs;

Field testing in four locations, including East St. Louis, St. Louis, Chicago, and Watts, the supplying of supplemental food packages to pregnant and lactating women and their preschool-age children, particularly at OEO neighborhood health centers;

Exploring (in New Jersey) a comprehensive approach to school feeding;

Facilitating feeding of the elderly through senior citizens' kitchens and communal or home food delivery by "Meals-on-Wheels" groups;

Involving VISTA volunteers in Arkansas as health and hunger advocates on behalf of the poor;

Organizing rural cooperative projects focusing on farming in Mississippi, Missouri, and North Carolina, canning produce in South Carolina and Virginia, freezing foodstuffs in Colorado, and fishing in Hawaii;

Creating new approaches to nutrition education, including a training course in OEO neighborhood health centers run by the Bureau of Federal Credit Unions in HEW;

Studying methods of preparing and marketing fortified foods to improve the nutritional status of the entire population (with Pillsbury, Monsanto, and Ballantine); and

Developing minority group business opportunities in the processing and distribution of special foods.

Target areas.—The substantial funding increase we have determined to allocate to providing food and medical services and supplies to the poor is based primarily upon the need to extend this program to every community action agency in the United States or to single-purpose agencies where community action agencies have not been formed or are unable to handle the program properly. This involves expansion to service an additional 600 agencies, most of which are located in urban centers. Over 95 percent of the existing programs are in totally or predominantly rural areas. Boston, Gary, and Milwaukee constitute the exception to the rule. Since we are authorizing the requisite funds for expansion, we anticipate that OEO will substantially broaden its efforts to all areas of demonstrable need.

Target populations.—The committee is distressed at the data it has received that documents the manner in which the existing food aid system functions to deny benefits to the very young and elderly. It has been pleased to discover, in the course of its hearings, that 21.4 percent of the individuals who were helped by EFMS were of the age of 5 or under, but does not look with favor upon the limited way in which EFMS has reached out to the aging. Reports indicate that only 2.1 percent of EFMS' clients were 65 years and over.

Accordingly, the committee has decided to direct OEO to take steps to assure that the new title X program gives priority to these two groups in dispensing food and medical care. This means that grantees should explore ways to create or maintain feeding programs for pre-school-age children from low-income families in day care centers, camps, settlement houses, recreation centers, Headstart centers, nursery schools, and similar service institutions. It also means that grantees should consider other methods of guaranteeing that the very young can obtain nutritious foods, either by subsidizing certain desired and desirable products in supermarkets or food stores located in improverished neighborhoods or by starting a voucher program limited to foods tailored to the needs and likes of those under 5.

As far as the aging are concerned, OEO should undertake to implement nationwide the type of action projects funded during the past 2 years on a pilot basis by the Administration on Aging in the Department of Health, Education, and Welfare under title IV of the Older Americans Act. Some of the experiments funded under that

program that could be attempted on a wide-scale basis under this include the use of public buildings such as schools or park recreation centers for serving meals; delivery of caterer-prepared meals by volunteers to groups gathered in private residences; delivery of meals to shut-ins; a weekly dining club; noonday meals in a children's day care center; transportation of older people to community centers from isolated locations for Saturday suppers, combined with nutrition education and a social program; mobile neighborhood markets in urban low-income areas; and "neighborhood kitchens" supplying low-cost meals.

At the moment, aging persons who either eat meals outside their residence because they lack cooking facilities or the will or ability to cook for themselves or who rely on meals being brought in to them already prepared because of physiological or psychological infirmities are arbitrarily denied the right to participate in the food stamp program. Title X projects could help fill this gap in the services the elderly can benefit from. The committee also wishes to encourage OEO to direct its grantees to employ the elderly as staff in the conduct of the food and medical care program run by the grantees pursuant to this title.

Miscellaneous

Rural loans.—The committee was quite disturbed to discover that money appropriated for the rural loan program remained unspent at the close of the fiscal year. The committee feels that this is an indication that the Farmers Home Administration, which administers this section, has taken an excessively restrictive view of eligible applicants and activities. We urge the FHA to review its procedures in light of this finding.

Specifically, the committee was most disappointed to learn that the FHA refused to consider applications for loans to elderly people for the purpose of making repairs and improvements to their homes. The committee felt that it had specifically authorized this type of activity in the 1967 amendments. In an effort to clarify this intent the committee adopted a minor amendment to section 302(a) of the act. The committee expects that its action in calling attention to this provision will result in the FHA's swift compliance with the congressional intent.

Trust territories.—One small provision in the committee bill would extend the benefits of the rural loan program in title III, and the Small Business Administration's programs which are authorized in title IV to the Trust Territories of the Pacific Islands. This provision is intended to remove any lingering cloud over the eligibility of the trust territories under the aforementioned provisions of the EOA.

Legal services—Armed Forces personnel.—It is the committee's concern that frequently members of the Armed Forces and their families have not availed themselves of the legal services program even though in cases of extreme hardship they are eligible for participation. It is the committee's view that this is largely due to the fact that such personnel and their families are unaware that the legal services program is open to them. Frequently it is the case, also that local legal services offices do not know that such personnel are eligible participants. To correct this situation, the committee bill amends the legal services program to make it abundantly clear that members of the Armed Forces and their immediate family are eligible to obtain legal services in cases of extreme hardship. What is extreme hardship

is to be determined with accordance with regulations prescribed by the Director of OEO after consultation with the Secretary of Defense. The bill further provides that the Secretary of Defense is to reimburse the costs of providing legal services to such personnel and their families. The committee wishes to emphasize that in adopting this amendment there is no intention to restrict or limit the existing scope and eligibility criteria for the legal service program.

Section-by-Section Analysis of the Bill

The bill, as reported, is in the form of an amendment striking all after the enacting clause of the introduced bill. This analysis describes the provisions of the committee amendment.

Section 1.—Short title

This section provides that the act may be cited as the "Economic Opportunity Act Amendments of 1969."

TITLE I—EXTENSIONS OF AUTHORIZATIONS

Section 101

With the exceptions referred to in the next sentence, this section authorizes the appropriation of $1,563 million for the fiscal year 1970, and such amounts as may be necessary for the fiscal year 1971, for carrying out programs under the Economic Opportunity Act of 1964 (hereinafter referred to as "the act"). This section does not apply with respect to programs for which the act contains a separate authorization of appropriations. These are new programs which would be added by the bill as new part E of title I, and new titles IX and X.

Section 102

This section amends the various provisions of the act which control the duration of its programs. In each instance the period during which the programs may be carried out will be extended for 2 years.

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

Section 201

This section adds an additional part E to title I of the act. This new part would provide for special work and career development programs.

Section 161 of the new part E contains a statement of purpose relating to the purposes of the new program. In it the Congress makes a finding that the Operation Mainstream program and the New Career program are uniquely effective. Further, that in addition to providing jobs, these programs are of advantage to the community at large, and that while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

Section 162 authorizes the Director to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and low-income workers with greater career opportunities. The special programs provided for

under this section must include a "Mainstream" program involving work activities directed to the needs of the chronically unemployed poor who have poor employment prospects and are unable to secure appropriate employment or training assistance under other programs, and which, in addition to other services, will enable such persons to participate in projects for the betterment or beautification of the community served. The section also requires that a special program to be known as "New Careers" be carried out. The New Careers program will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community in fields of public service which (1) provide maximum prospects for on-the-job training, promotion, advancement, and continued employment without Federal assistance; (2) give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities; and (3) provide opportunities for further occupational training to facilitate career advancement.

Subsection (b) of new section 162 authorizes the Director to provide assistance to assure that programs carried on under the part will be supplemented by supportive and followup services. These services will include health services, counseling, day care for children, transportation, and other special services.

New section 163 requires the Director to prescribe regulations to be sure that programs carried on under the part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training, and technical assistance programs.

Section 164 of the new part E prohibits the Director from providing financial assistance to programs unless he determines that—

(1) participants will not be employed on projects involving political parties or the construction, operation, or maintenance of facilities to be used for sectarian instruction or worship;

(2) the program will not result in the displacement of employed workers or impairment of existing contracts for services, or result in the substitution for other funds in connection with work that would otherwise be performed;

(3) the rates of pay will be appropriate and reasonable in light of the type of work, geographical region, and proficiency of the participant; and

(4) the program will to the extent feasible contribute to the occupational development and upward mobility of individual participants.

Subsection (b) of section 164 requires that programs providing work and training related to physical improvements must give preference to improvements to be used by low-income persons or which will contribute to amenities or facilities in low-income areas.

Subsection (c) requires programs to contribute to the elimination of artificial barriers to employment and occupational advancement.

Subsection (d) requires projects to provide for maximum feasible use of the resources of the private sector and other Federal programs.

Section 165 of the new part E contains the requirements with respect to program participants.

Subsection (a) provides that the participants must be unemployed or low-income persons. The Director, in consultation with the Com-

missioner of Social Security, will establish the criteria for determining who is unemployed or of low income. These criteria must provide that all families receiving cash welfare payments will be considered as low-income families.

Subsection (b) provides that participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

Subsection (c) provides that participants will not be deemed to be Federal employees or subject to the provisions of law relating to Federal employment.

Section 166 of the new part E relates to the equitable distribution of assistance under the part. It requires the Director to establish criteria to achieve equitable distribution of assistance among the States. There is an absolute requirement that not more than 12½ percent of the sums appropriated or allocated for a year may be used within any one State.

Section 167 of the new part E provides that programs assisted under the part will be subject to the provisions of section 131 of the act. That section limits the Federal assistance to not more than 90 percent of the cost of the program or activity involved. It permits an exception, however, in certain limited cases.

Section 168 authorizes the appropriation of $110 million for the fiscal year 1970, and such amounts as may be necessary for the fiscal year 1971, for carrying out the part.

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING INTENSIVE FOLLOWTHROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

Section 301

This title adds a new title to the existing act which provides special comprehensive preschool programs and programs to provide for intensive followthrough education for primary school children.

Section 901 of the new title contains a congressional finding that children participating in Headstart projects and other preschool programs are helped toward increased learning healthy maturation, that the benefits of preschool programs are increased when they are followed by specialized education programs in the early primary grades, and that these programs afford children with poor family backgrounds an opportunity to participate in the economic, social, and political mainstream of American life. The section further states that it is the purpose of Congress in enacting the title to give broad authority to the Director, acting either directly or by delegation, to broaden the opportunities of these children, including provisions for parental and home involvement, utilizing existing agencies, organizations, and resources, for this purpose.

Section 902 of the new title authorizes the Director to make grants to community action agencies, to local educational agencies, or to other public or nonprofit agencies with the approval of the appropriate community action agency, or to local educational agencies or other public or nonprofit agencies in areas not served by community action agencies. For the purpose of carrying out the programs under

the title, this section authorizes the appropriation of $578 million for the fiscal year 1970, and such amounts as may be necessary for the fiscal year 1971.

Section 903 of the new title provides that the funds will be allotted in the manner prescribed by section 225 of the act which controls the allotment of funds for community action programs. The limitations on assistance contained in that section will also be applicable to the funds provided under this title.

Section 904 provides that grants made under the title may be used for (1) continuing programs authorized by section 222(a) (1) and (2) of the act before the enactment of these amendments, commonly known as Headstart programs and Follow Through programs; (2) planning and developing early childhood programs for the benefit of children from culturally deprived, educationally lacking, or economically distressed family backgrounds; (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as will assist the children in achieving their full potential; (4) providing for direct participation of the parents of the children in controlling the program at the project operating level; (5) the carrying on of preschool and early primary school programs for the children for whose benefit the title is enacted, including the lease and rental of necessary facilities and the acquistion of equipment and supplies; (6) the provision of comprehensive physical and mental health services for children needing the assistance to profit from education programs; (7) food and nutritional services, including family consultive and educational programs to improve nutrition in the home; (8) special social services to broaden the educational environment in the homes of these children; and (9) other social and educational activities, such as summer, weekend, and vacation programs for these children.

Section 302

This section strikes out paragraphs (1) and (2) of the existing section 222(a) of the act. These paragraphs are the ones which now provide for special Project Headstart programs and Follow Through programs.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

Section 401

This section adds a new title to the act which provides assistance for intensive programs to eliminate hunger and malnutrition.

Section 1001 of the new title contains a congressional finding that existing programs for providing surplus food and free meals to needy children and families often have little impact on those who are extremely economically disadvantaged, that to reach these people existing programs must be supplemented and broadened, that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are frequently required in the homes of the most economically disadvantaged, and that these conditions operate most severely on the elderly and the very young. The section states it to be the purpose of the title to provide broad authority to meet such needs expeditiously.

New section 1002 authorizes the Director to provide financial assistance for the provision of medical supplies and services, nutritional foodstuffs, and related services to counteract conditions of starvation or malnutrition among the poor. This assistance may be provided as a supplement to any other assistance which may be extended under the provisions of other Federal programs. It may be used to extend and broaden other Federal programs so as to serve extremely economically disadvantaged families, with particular emphasis on the elderly and the very young where such services are not now provided. These services may be provided without regard to the requirements of the laws under which such other Federal programs are operated which require State or local administration or financial participation. In carrying out this title, the Director may make grants to community action agencies or local public or private nonprofit agencies or organizations. He may use the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner which will insure the availability of foodstuffs, medical services and supplies through community action agencies where feasible, or other agencies or organizations if no community action agency is available.

Section 1003 of the new title requires the Director to assure himself that these programs will be designed to deal particularly with the incidence of malnutrition, hunger, and serious medical needs among persons in economically disadvantaged circumstances who are 55 years of age or older and young children. The Director will encourage the employment of elderly persons in carrying out these programs.

New section 1004 authorizes the appropriation of $92 million for the fiscal year 1970, and such amounts as may be necessary for the fiscal year 1971, for carrying out programs under this title.

Section 402

This section strikes out paragraph 5 of section 222(a) of the Act which contains the authority in existing law for carrying out programs for emergency food and medical services.

TITLE V—MISCELLANEOUS

Section 501.—Amendment of rural loan program

This section makes a technical amendment to section 302(a) of the act as it applies to the participation of the elderly in the rural loan program.

Section 502.—Availability of legal services to Armed Forces personnel

This section amends the provisions of existing law relating to legal services programs to provide that members of the Armed Forces and their immediate families will be eligible to obtain legal services under these programs in the cases of extreme hardship, determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense. The costs of providing these services will be reimbursed by the Secretary of Defense.

Section 503.—Applicability to trust territory

This section provides that title III(a) of the act (the rural loan program) and title IV of the act (the special loan program) will be applicable in the Trust Territory of the Pacific Islands.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ECONOMIC OPPORTUNITY ACT OF 1964

* * * * * * *

TITLE I—WORK TRAINING AND WORK-STUDY PROGRAMS

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PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

STATEMENT OF PURPOSE

SEC. 161. The Congress finds that the "Operation Mainstream" program aimed primarily at the chronically unemployed and the "New Careers" program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

SPECIAL PROGRAMS

SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

(1) A special program to be known as "Mainstream" which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

(2) *A special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.*

(b) *The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.*

ADMINISTRATIVE REGULATIONS

SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies, as may be necessary to promote the effective use of funds.

SPECIAL CONDITIONS

SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

(b) *For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.*

(c) *Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.*

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

PROGRAM PARTICIPANTS

SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

AUTHORIZATIONS

SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

PART [E] *F*—DURATION OF PROGRAM

SEC. [161] *171.* The Director shall carry out the programs for which he is responsible under this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

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PART B—FINANCIAL ASSISTANCE TO COMMUNITY ACTION PROGRAMS AND RELATED ACTIVITIES

GENERAL PROVISIONS FOR FINANCIAL ASSISTANCE

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SPECIAL PROGRAMS AND ASSISTANCE

SEC. 222. (a) In order to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities, the Director may develop and carry on special programs under this section. This authority shall be used only where the Director determines that the objectives sought could not be effectively achieved through the use of authorities under section 221, including assistance to components or projects based on models developed and promulgated by him. It shall also be used only with respect to programs which (A) involve activities which can be incorporated into or be closely coordinated with community action programs, (B) involve significant new combinations of resources or new and innovative approaches, or (C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of this title. Subject to such conditions as may be appropriate to assure effective and efficient administration, the Director may provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under such special programs; but he shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. Programs under this section shall include those described in the following paragraphs:

[(1) A program to be known as "Project Headstart" focused upon children who have not reached the age of compulsory school attendance which (A) will provide such comprehensive health, nutritional, education, social, and other services as the Director finds will aid the children to attain their full potential, and (B) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

[(2) A program to be known as "Follow Through" focused primarily upon children in kindergarten or elementary school who were previously enrolled in Headstart or similar programs and designed to provide comprehensive services and parent participation activities as described in paragraph (1), which the Director finds will aid in the continued development of children to their full potential. Funds for such program shall be transferred directly from the Director to the Secretary of Health, Education, and Welfare. Financial assistance for such projects shall be provided by the Secretary on the basis of agreements reached with the

Director directly to local educational agencies except as otherwise provided by such agreements.]

(3) A "Legal Services" program to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit, to the Director, comments and recommendations on the proposed project before such project is approved or funded, and to submit, to the Director, comments and recommendations on the operations of such project, if approved and funded. No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available. *Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense.*

(4) A "Comprehensive Health Services" program which shall include—

(A) programs to aid in developing and carrying out comprehensive health services projects focused upon the needs of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor. These projects shall be designed—

(i) to make possible, with maximum feasible use of existing agencies and resources, the provision of comprehensive health services, such as preventive medical, diagnostic, treatment, rehabilitation, family planning, narcotic addiction and alcoholism prevention and rehabilitation, mental health, dental, and followup services, together with necessary related facilities and services, except in rural areas where the lack of even elemental health services and personnel may require simpler, less comprehensive services to be established first; and

(ii) to assure that these services are made readily accessible to low-income residents of such areas, are furnished in a manner most responsive to their needs and with their participation and wherever possible are combined with, or included within, arrangements for providing employment, education, social, or other assistance needed by the families and individuals served:

Provided, however, That such services may be made available on an emergency basis or pending a determination of eligibility to all residents of such areas.

Funds for financial assistance under this paragraph shall be allotted according to need, and capacity of applicants to make rapid and effective use of that assistance, and may be used, as necessary, to pay the full costs of projects. Before approving any project, the Director shall solicit and consider the comments and recommendations of the local medical associations in the area and shall consult with appropriate Federal, State, and local health agencies and take such steps as may be required to assure that the program will be carried on under competent professional supervision and that existing agencies providing related services are furnished all assistance needed to permit them to plan for participation in the program and for the necessary continuation of those related services; and

(B) Programs to provide financial assistance to public or private agencies for projects designed to develop knowledge or enhance skills in the field of health services for the poor. Such projects shall encourage both prospective and practicing health professionals to direct their talents and energies toward providing health services for the poor. In carrying out the provisions of this paragraph, the Director is authorized to provide or arrange for training and study in the field of health services for the poor. Pursuant to regulations prescribed by him, the Director may arrange for the payment of stipends and allowances (including travel and subsistence expenses) for persons undergoing such training and study and for their dependents. The Director and the Secretary of Health, Education, and Welfare shall achieve effective coordination of programs and projects authorized under this section with other related activities.

(5) A program to be known as "Emergency Food and Medical Services" designed to provide on a temporary emergency basis such basic foodstuffs and medical services as may be necessary to counteract conditions of starvation or malnutrition among the poor. The Director shall arrange to carry out his functions through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs and services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer such foodstuffs and services to needy individuals. Each community action agency shall be encouraged to develop projects, such as the furnishing of information on nutrition, which will assist the poor to maintain an adequate and nutritious diet. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $25,000,000 for the fiscal year ending June 30, 1968, and not less than $50,000,000 for the fiscal year ending June 30, 1969, for the purpose of carrying out this paragraph.

(6) A "Family Planning" program to provide assistance and services to low-income persons in the field of voluntary family

planning, including the provision of information, medical assistance, and supplies. The Director and the Secretary of Health, Education, and Welfare shall coordinate, and assure a full exchange of information concerning, family planning projects within their respective jurisdictions in order to assure the maximum availability of services and in order best to meet the varying needs of different communities. The Secretary of Health, Education, and Welfare shall make the services of Public Health Service officers available to the Director in carrying out this program.

(7) A program to be known as "Senior Opportunities and Services" designed to identify and meet the needs of older, poor persons above the age of sixty in one or more of the following areas: development and provision of new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and recreational and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of, and participation in, public services by the older poor; development of all-season recreation and services centers controlled by older persons themselves; and such other activities and services as the Director may determine are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency. In administering this program the Director shall utilize to the maximum extent feasible the services of the Administration of Aging in accordance with agreements with the Secretary of Health, Education, and Welfare.

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Part D—General and Technical Provisions

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DURATION OF PROGRAM

Sec. 245. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

Part A—Rural Loan Program

STATEMENT OF PURPOSE

Sec. 301. It is the purpose of this part to meet some of the special needs of low-income rural families by establishing a program of loans to assist in raising and maintaining their income and living standards.

LOANS TO FAMILIES

SEC. 302. (a) The Director is authorized to make loans having a maximum maturity of fifteen years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time to any low income rural family where, in the judgment of the Director such loans have a reasonable possibility of effecting a permanent increase in the income of such families, [and] *or*, in the case of the elderly, will contribute to the improvement of their living or housing conditions by assisting or permitting them to—

(A) acquire or improve real estate or reduce encumbrances or erect improvements thereon,

(B) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment, or

(C) participate in cooperative association; and/or to finance nonagricultural enterprises which will enable such families to supplement their income.

(b) Loans under this section shall be made only if the family is not qualified to obtain such funds by loan under other Federal programs.

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PART C—DURATION OF PROGRAM

SEC. 321. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE IV—EMPLOYMENT AND INVESTMENT INCENTIVES

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DURATION OF PROGRAM

SEC. 408. The Administrator of the Small Business Administration and the Secretary of Commerce shall carry out the programs provided for in this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years.

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TITLE V—WORK EXPERIENCE, TRAINING, AND DAY CARE PROGRAMS

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PART B—DAY CARE PROJECTS

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DURATION OF PROGRAMS

SEC. 523. The Director shall carry out the programs provided for in this part during the fiscal year ending June 30, [1968] *1969*, and the [two] *three* succeeding fiscal years.

TITLE VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

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DEFINITIONS

SEC. 609. As used in this Act—

(1) the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands, and for purposes of title I [and title II], *title II, title III–A, and title IV* the meaning of "State" shall also include the Trust Territory of the Pacific Islands; except that when used in section 225 of this Act this term means only a State or the District of Columbia. The term "United States" when used in a geographical sense includes all those places named in the previous sentence, and all other places continental or insular, subject to the jurisdiction of the United States;

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DURATION OF PROGRAM

SEC. 615. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

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TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

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PART C—GENERAL PROVISIONS

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DURATION OF PROGRAM

SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, [1967] *1969*, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOWTHROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

FINDINGS AND PURPOSE

SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the

early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies, organizations, and resources to accomplish such purposes.

AUTHORIZATIONS

SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be alloted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

USES OF FUNDS

SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as "Project Head Start" and "Follow Through", where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of

comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title.

TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

STATEMENT OF PURPOSE

SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirement of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

AREAS OF SPECIAL EMPHASIS

SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

MINORITY VIEWS

We, the undersigned, favor a 2-year extension of the Economic Opportunity Act, as requested by President Nixon on June 2 of this year. On June 2, coincidentally, our committee completed 29 days of hearings (beginning March 24) on this legislation. The committee majority then waited for a period of over 4 months—until October 7—to begin consideration of the bill in executive session.

The whole point of this long delay was an attempt to extract assurances from those favoring a 2-year extension that each and every amendment offered on the floor of the House—without respect to its merits—would be defeated. Of course, no such assurance could be given with regard to any legislation reported by this committee or any other, except when legislation is brought up under a closed rule to be voted up or down in the form presented to the House.

We note that President Nixon made no such request, but asked that the legislation be extended for 2 years "without crippling amendments." We were prepared all along, as we are now, to assure all interested parties that we would neither propose nor support amendments that would cripple this legislation. Indeed, we favor a significant strengthening of governmental and private efforts, at all levels of government and in all sectors of our society, to eradicate the scourge of poverty everywhere in America.

For this reason each of us—in varying degree and with differing emphasis based upon personal observation—has been highly critical of various aspects of the administration of programs authorized by the Economic Opportunity Act. We have never viewed these criticisms as a matter of partisan politics to be quietly shelved with a change in administrations, but rather as a matter of public obligation in discharging our duties as Members of Congress.

We believe that the programs authorized by this act should be designed to identify and then to attack the causes of poverty effectively; that these programs should encourage and assist in the mobilization of both public and private resources in a coordinated effort; and that they should be structured so as to insure the active participation of State and local government. In our judgment, if these fundamental objectives are not soon achieved the "War on Poverty" will lose public support to such an extent that these programs will be impossible to sustain. We feel that the Congress has an affirmative responsibility to write needed changes into the law, and then to make certain that the act is administered accordingly.

While we are not necessarily agreed upon every detail regarding the faults and weaknesses of the programs authorized by the act, or upon the changes which ought to be made to correct the mistakes of the past, we are agreed upon the major problems and upon the broad thrust of corrective measures.

The first and most elemental of our objections to the manner in which the programs have been operated (and this despite the clear intent of the Congress and the unmistakable meaning of the language of the act) is that they discourage and frustrate the affirmative participation of State and local government which is elected by and responsible to all the people. This is particularly true in the community action programs where such participation is most needed and most essential to success.

At the State level the only mandatory form of participation (if it can be so characterized) is the purely negative device of the Governor's veto. We are not prepared at this point to engage in the bitter controversy raging over the Senate amendment sponsored by Senator Murphy which extends the power of that veto as applied to legal services for the poor, but it is important to observe that in any event the veto is a sorry substitute for affirmative State participation in the administration of programs being conducted within the State. The State government and its many agencies, with broad legal responsibility for education, health, welfare, rehabilitation, and the whole range of social services, should be involved in the antipoverty programs in a positive, responsive way. In fact, this is the only effective way of coordinating and concentrating all the services which can be utilized to combat the causes and affects of poverty.

Let us make perfectly clear that this concept in no way involves "turning the programs over to the States" in the sense that inept or inimical State administrations would be permitted to defeat the purposes of the legislation. Nor would we propose that State participation be forced upon unwilling State officials. But whenever and to the extent that State governments are willing and able to assume a constructive role in these programs the legislation itself should provide the mechanism for that role; it should not be left to the administrative discretion of the Director here in Washington.

At the local level the extent of active participation by public agencies and elected officials is discouragingly low. This is true despite the intentions of the Congres, in amending the act in 1967, that local governments would play a major role in community action programs. The clear intent of the 1967 amendments was frustrated through the adoption of regulations by the Office of Economic Opportunity for which we can find not even a scintilla of legal authority. Increasingly we find that the paid directors and staffs of community action agencies have taken over the programs and have usurped the authority of the community action boards set forth in the legislation, with the result that the participation of elected officials (and quite often, the representatives of the poor themselves) is nulified. We feel that these abuses should be corrected.

Another major failure of these programs—and this, like the others, is particularly applicable to community action programs although by no means exclusively so—is an almost complete breakdown of the process of evaluation. The very fact that these programs are—or are intended to be—highly experimental or inovative means that careful and objective evaluation of every aspect of their operation is essential to eventual success. In programs of this sort we learn as much from our failures as from our successes, but are unable to recognize either without thorough evaluation.

Yet the approach to program evaluation by the Office of Economic Opportunity has thus far been disastrous. We find that most of the evaluation is—directly or indirectly—self evaluation; that is, either OEO is evaluating its own programs or it is hiring consultants (who sometimes turn out to be former OEO officials) who evaluate with OEO funds. A less subtle but fairly pervasive practice is the utilization of evaluators who are committed emotionally to the success of certain types of activity and cannot find fault with the results.

We feel that the act itself needs tightening up to require more objective and disinterested evaluation of programs than has yet been forthcoming. We do not object to spending billions of dollars of hard-earned taxes for effective programs; we do object to these expenditures for ineffective programs. Hard evaluation is essential to achieving the former result.

Another major problem has been the pervasive aura of political activity and social turmoil which has surrounded all too many activities in the "war on poverty." We recognize that many of these programs (perhaps all governmental activities) have political consequences and effects, but that is not our concern. Quite simply, we do not feel that the fight against the ravages of poverty in the United States is a partisan matter. We do not believe that the hard-pressed taxpayers should be asked to pay for the political advancement of any individual or faction in any party or cause—and especially not in the name of helping the poor. Accordingly, we feel that existing provisions of the act prohibiting political activity should be strengthened.

In the same vein, we recognize that social discord is an inevitable result of some very worthwhile programs, and particularly in environments where any change in conditions is viewed as a threat to the social structure. Nevertheless, we are disturbed by the extent to which social disruption and strife appears to be encouraged for its own sake—and for purposes unrelated to the needs of poor people—in some of these programs. We are also bothered by the fact that, as in the case of VISTA volunteers, these activities should be carried on by persons who are completely unsupervised, and who are acting without any relationship to other programs funded under the act. We wonder, for example, if it is really productive to have several hundred VISTA lawyers around the country in unsupervised practice when the legal services under the community action programs are generally understaffed. We feel that further "tightening up" may be needed for the VISTA program, and that it should be brought into closer relationship to community action agencies.

Finally, we are concerned about the irrational allocation of available funds and question their disparte distribution. We feel that an individual who is poor has the same wants and needs in one State as he does in another. However, the figures over the years tend to show that certain areas are favored or that funds are given without total determination of needs. To illustrate, the following examples are given, not to single out particular States, but merely to describe a common situation:

(1) States with approximately the same number of poor residents according to OEO's own figures, have received the following amounts from Community Action funds:

State	Poor population, 1965	Total community action funds (in millions) Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
A. Illinois	1,281,000	$39.394	$40.636	$37.000
Alabama	1,217,400	17.534	20.554	19.000
B. Pennsylvania	1,666,100	36.080	32.145	30.000
North Carolina	1,591,300	20.034	21.302	19.000
C. Louisiana	1,128,600	15.885	17.797	21.000
Mississippi	1,039,200	38.289	41.027	41.000
D. New Jersey	596,000	26.367	29.270	26.000
Wisconsin	537,800	8.922	10.332	12.000

(It should be noted that although Louisiana and Mississippi are neighbors, Louisiana has a larger population of poor people.)

(2) Further examples show that some States with larger poor populations than others received disproportionate allocations:

State	Poor population, 1965	Total community action funds (in millions) Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
A. Massachusetts	539,000	19.748	19.625	20.000
Minnesota	571,900	10.417	10.819	12.000
B. Washington (State)	351,700	12.470	11.327	10.000
Kansas	371,100	4.208	4.638	6.526
C. District of Columbia	142,600	12.361	20.611	16.035
South Carolina	929,700	10.760	14.823	16.613

(It should be noted that South Carolina has six times as many poor people as the District of Columbia.)

(3) Examples may be found in regular funding categories as shown by the following examples:

A. In California with 1,948,700 poor population received $31.285 million in fiscal year 1967, $34.229 in fiscal year 1968, and $36.984 in fiscal year 1969 in local initiative CAP program funds.

B. The States of Alabama, Alaska, Colorado, Delaware, Idaho, Hawaii, Indiana, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, Tennessee, South Dakota, Utah, Vermont, Wisconsin, and Wyoming, with a combined poor population of 6,240,600 received a combined total in local initiative funds of $31.266 million in fiscal year 1967, $42.873 in fiscal year 1968, and $45.720 in fiscal year 1969.

(4) A. The State of Mississippi, with a poor population of 1,039,-200 received at least $29.793 million for "Full Year Headstart" programs in fiscal year 1967, $33.702 in fiscal year 1968, and $34.977 in fiscal year 1969 or over 10 percent of all OEO money spent nationwide last year for this category.

B. The States of Texas, Georgia, Virginia, Michigan, Tennessee, Illinois, with a combined poor population of 8,572,400 received a combined total in "Full Year Headstart" funds of $29.626 million in fiscal year 1967, $25.820 in fiscal year 1968, and $28.152 in fiscal year 1969.

The new Director of OEO, our former colleague Donald Rumsfeld, has begun to move in the directions we are indicating. He has recommended bringing State governments into a closer relationship to these programs—even to a suggestion of developing State plans for funding—and has suggested increased financial assistance to the States to accomplish this purpose. We expect him to move in the direction of more responsible operation of local community action programs, and we look forward to the redrafting of OEO regulations more nearly in accordance with the intent of the 1967 amendments which outlined the participation of local government in that program. We feel that the Director and his staff will improve the evaluation of OEO programs and provide procedures for better training and supervision of Vista volunteers. We commend the Director for his work in these areas, and we feel that he deserves encouragement and support from the Congress in what we all recognize as being one of the most difficult jobs in Government.

We repeat, however, that the Congress has a duty to legislate desirable changes in Federal law; if certain measures strengthen the administration of the act, then they should be a part of the act. Several of us support provisions of the reported bill, as we made clear when it was reported. Since we have quite separate views on details of the reported bill, we have made no attempt to distinguish those views in this joint statement.

William H. Ayres.
Albert H. Quie.
John N. Erlenborn.
William J. Scherle.
Marvin L. Esch.
Earl F. Landgrebe.
Orval Hansen.

ADDITIONAL VIEWS OF CONGRESSWOMAN EDITH GREEN

If the purpose of the "War on Poverty" legislation has been to foment discord in our cities and in institutions, one could argue it has been highly successful. If, in addition to confrontation politics, the purpose of the "War on Poverty" legislation is to eliminate poverty, ignorance, and disease—then the evidence is more difficult to find to support that case in far too many places. I would not argue that some good has not resulted. But I would argue that far too many promises have been made—and too little fulfillment for the $7.7 billion spent.

For example, for several millions of the most easily identified poor of this Nation, elderly citizens, very little—if anything—has been done. For so many of them to be poor is to die a little each day as the dream of dignity fades down through the years.

Too often the compassion and concern (emanating from the OEO offices) have been measured by the amount of noise and demonstrations (or threats of violence) in the streets. And able-bodied individuals have been generously financed while very elderly citizens continue to eke out their existence in one room hovels on $60 a month. The "professional poor" have done very well and the destitute remain destitute.

A negro owned and operated newspaper in Texas (in October of this year) editorialized: "The local poverty program has become a political football and, as always, the poor end up being kicked around."

Winthrop Rockefeller, Governor of Arkansas, said: "* * * the anti-poverty program has been developed on an anti-Government concept."

The chief of the Office of Economic Opportunity in California said:

> The expectations and hopes regarding the EOA of 1964, slowly but surely turned into bewilderment, frustration, and discouragement with the administration and utilization of this act.

A minister from Oregon wrote:

> I object to the manipulation of Board members, I object to the inadequate financial reports, I object to the withholding of information, I object to the secrecy of much of the operation, I object to the waste of funds, I object to high-handed methods to "use" people. And it seems to me that some are interested only in perpetuating their own jobs in the agency * * * I have yet to see or to be told intelligently what actually is being done for low-income families—yes, so many "services" are being provided, I'm told. But I have received very little information on how these families are having their incomes increased or needs met to provide a better living for them.

I cite these statements not because they are the exception—but because they reflect the conditions too often in too many places in so many parts of the country.

In my judgment, changes need to be made in the legislation itself—for otherwise when the reckoning comes—and come it must—when the shouts produce no skills, when the marchers deliver no meat—when the rallies yield no rewards, it will be the Government of the United States which is credited with the lie. Then, there will be no one left to believe.

A concerted nationwide effort to relieve physical deprivation in all its ugly trappings does indeed require immense patience and a willingness to excuse initial mistakes. And such a massive undertaking certainly does require new measurements of success, along with new and creative methods of operation. But the evidence accumulates: the war on poverty—however *new* in concept and design—is nonetheless susceptible to old and familiar gremlins.

If our high renaissance of expectations for the alleviation of poverty that issued from this Congress in the sumer of 1964 is to be realized we can no longer ignore bureacratic indifference, political corruption, some very dubious bookkeeping, diminishing performance in the field, unwarranted clash with local elected authority, the irrational and sometimes flippant allocation of poverty funds (the outright abuse of funds and unnecessarily high administrative costs), and the failure to solicit the constructive participation of genuinely concerned local officials. Even a dramatic retreat sometimes seems more bearable than this shameful, sluggish stalemate on the battlefront of a "war on poverty" which is not being won.

The clear and continuing responsibility of every authorizing committee of this Congress is to maintain an ongonng, conscientious evaluation of the real—not fictional—impact of legislation emanating from each particular authorizing committee. That is a critical function of our congressional mandate; and that is an especially weighty obligation in relation to a program as controversial and innovative as the Economic Opportunity Act. If we would keep faith with the disadvantaged, Congress must evaluate these programs on a constant basis. We must refine when possible, we must reform when necessary.

Effective local participation was certainly a vital portion of the spirit of our original OEO authorization in the summer of 1964, and was spelled out rather precisely in the 1967 amendments to title II. The hard reality is that those clauses which relate to State and local governmental participation have been subverted through OEO guidelines and directives.

In point of fact, legislative intent and Executive response have enjoyed a most uneasy marriage throughout this "war on poverty." Very serious Executive detours from congressional intent can be demonstrated not only in relation to the community action amendments of 1967, but also in fulfillment of congressional restrictions on political activity for OEO personnel, and in fulfillment of our legislative transfer of Upward Bound to the Office of Education.

The often autocratic actions of appointed regional directors, OEO field representatives, and CAA staff directors should not be permitted to nullify the constructive participation of elected representatives of the people. Moreover, the exciting possibility of a better coordination of all social programs, Federal and local, through increased cooperation at the State level should not be ignored.

Many of us grow weary of the accusation that those of us who would tighten the language (to make sure that the congressional intent can no longer be subverted) are out to cripple the bill—to "gut" the poverty program. To demand that every effort be made to see that OEO projects have some meaningful economic and social impact upon the condition of so many destitute Americans is not being against the poor. It seems to me that those who simply demand that more funds be poured into programs that have not been critically evaluated and improved upon are the ones who really endanger the hopes of genuine self-fulfillment for needy Americans who expect us to keep the promise we made to them in August of 1964.

EDITH GREEN.

ADDITIONAL MINORITY VIEWS OF CONGRESSMAN ALBERT H. QUIE

I am particularly concerned about two of the proposed amendments to the act contained in the committee-reported bill. These are the addition of a new and separate authorization for two previously authorized work/training programs and a change in the legal services program to make such services available to members of the Armed Forces. I think both of these need far more careful attention than they were given in our committee.

The existing part B of title I of the act is a general authorization to carry out a broad range of work programs to meet different sorts of work and training needs found among the poor. Nine different types of programs and supporting services are outlined in part B, two of which are "operation mainstream" and "new careers". Thus there is provided a comprehensive and flexible authorization under which it is possible to devise and put into operation a variety of successful strategies to get at the employment needs of the poor.

Part B of title I has been delegated to the Department of Labor to administer in close coordination with other manpower training programs. The "operation mainstream" and the "new careers" programs have been administered by the Department of Labor, with a fair degree of success, since they were first authorized in 1966. However, they are a part of the flexible authority provided under part B, not separate authorizations.

The proposed new part E of title I represents a complete duplication of sections 123(a) (3) and (4), and by setting the authorization apart with a specific amount attached, it has the effect of isolating these programs from all the others. If enacted, one would assume the implication would be that Congress finds these programs so different in character from all other manpower training programs that they ought to be held completely apart from the operation of the others. There has been absolutely no testimony before our committee to justify such an approach. In fact, the amendment would run directly counter to the advice of virtually all authorities on manpower problems and the movement begun in President Johnson's administration and intensified under President Nixon toward a unified administration of manpower programs, rather than a fragmentation of these activities. Not only does the proposed amendment run counter to the administration's proposals for a "Comprehensive Manpower Training Act," but it is also contrary to the direction taken by our colleague, Congressman O'Hara, in his manpower training bill.

The President has proposed continuation of both "mainstream" and "new careers," with $41 million and $14 million, respectively, budgeted for fiscal 1970—a total of $55 million. The authorization in the new part would be double this amount—$110 million. Again, there was no testimony before the committee that would justify such an increase, even if the funds were to be appropriated.

To summarize, the proposed new section I–E should not be added to the bill because: (1) it adds no new program authority not already found in I–B, (2) it would further rigidify and categorize manpower program administration, (3) it would unnecessarily double the funds for these two programs in 1970, and (4) it might be used to fragment program operational responsibility now vested with the Department of Labor.

The other amendment would amend section 222(a)(3) of the Economic Opportunity Act (legal services for the poor) to make legal services available to members of the Armed Forces at their request "in cases of extreme hardship," with the costs of such services to be reimbursed by the Secretary of Defense.

I was concerned that an amendment of this nature should be adopted without the committee having heard any testimony concerning the needs of members of the Armed Forces for such services, and without having the benefit of the views of either the Office of Economic Opportunity or the Department of Defense.

Accordingly, I addressed an inquiry to the Secretary of Defense concerning the amendment, and on the 19th of November received the following response from Mr. L. Niederlehner, Acting General Counsel of the Department of Defense. (Which in my judgment shows the desirability of eliminating the amendment from the reported bill.)

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., November 19, 1969.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: Secretary Laird has asked me to reply to your letter dated November 6, 1969, requesting comments on a proposed amendment to section 222(a)(3) of the Economic Opportunity Act of 1964, as amended.

The proposed amendment would establish eligibility for members of the Armed Forces and their immediate families who are "living in poverty" to obtain legal services in certain cases under programs established under the Economic Opportunity Act of 1964. The Department of Defense recognizes and supports those objectives of the proposed amendment which are intended to make available more complete legal services for certain military personnel and their dependents.

For many years each of the military departments has operated a legal assistance program for members of the military services and their dependents. These legal assistance programs are operated by the Judge Advocates General of the respective military departments and are administered by military legal officers. Admittedly, these programs have certain limitations which impair their effectiveness and make it impossible for complete legal services to be provided. One of the more significant limitations is that military legal officers in the main are limited to providing office advice, including preparation of some legal documents, and are unable to represent their clients in court proceedings or other legal proceedings or to negotiate fully in their behalf with adversaries. These limitations are due to a number of factors including the attitude of the organized civilian bar regarding such matters. These restrictions have been a source of concern and

some frustration to military legal officers who would like to provide more complete legal services to their clients.

The problems posed by the aforementioned limitations on military legal assistance programs were recognized in a Defense Department study which was concluded in October 1968. That study explored problems relating to military lawyer procurement, retention, and utilization and included a look at various problems pertaining to the rendering of legal services in general. One of the recommendations of the study group proposed that efforts be made, in cooperation with civilian bar associations, to expand the military legal assistance programs so that military legal officers could provide more complete legal services to military personnel—in particular those in the lower enlisted pay grades. This recommendation was approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and in October 1969 the military departments were asked to undertake steps to implement this recommendation. If these efforts are successful, it is envisioned that in certain cases military legal officers would be permitted to prepare and file pleadings in civilian courts, negotiate in behalf of clients, and make court appearances. In short, if the efforts now underway are successful, the group of people sought to be benefited by the amendment in question would be taken care of under the military assistance programs. We believe that it would be preferable for the Department of Defense to provide this service to its personnel than to have them using programs operated by the Office of Economic Opportunity. Accordingly, the Department of Defense recommends against the adoption of the amendment.

Sincerely,

L. Niederlehner,
Acting General Counsel.

Albert H. Quie.

INDIVIDUAL MINORITY VIEWS OF CONGRESSMAN JOHN M. ASHBROOK

I generally associate myself with the views expressed by my colleagues William J. Scherle and James M. Collins. However, I have grave doubts concerning the Murphy amendment. I understand the problem and I sympathize with its purpose, but I am not convinced that this is the proper means to accomplish the ends sought.

JOHN M. ASHBROOK.

SUPPLEMENTAL MINORITY VIEWS OF CONGRESSMEN WILLIAM J. SCHERLE, AND EARL F. LANDGREBE

The corrupt, scandal-ridden poverty program has done little to alleviate the woes of the poor and the disadvantaged. This program has extracted billions of dollars from the pockets of the taxpayers with most of the money going into the pockets of the bureaucrats (the professional poor). The primary cause for this is lack of congressional oversight and the absence of proper administrative procedures.

Adequate auditing provisions do not exist. It is imperative that legitimate auditing from outside of the OEO be achieved. Can we expect an individual on OEO salary to find fault or be critical of any of their programs? The temptation to cover up defects in this multi-billion dollar program is enormous.

The practice of self-evaluation by OEO is equally repugnant. The University of Kentucky was given $400,000 to study the $10.5 million Knox County, Ky., war on poverty. According to the testimony before the Education and Labor Committee, "most of this money was wasted."

However, we are not raising questions relating only to problems of administration, auditing, or program evaluation. There are some fundamental mistakes involved in the design of the antipoverty program. For example, while OEO's own statistics show that a decided preponderance of poor people in America live in rural areas, a heavy preponderance of funding in this program is channeled into urban areas.

While much of the program must be redesigned, we feel that little can be accomplished without some fundamental changes in the administrative structure. A method must be devised whereby Governors of States, and other elected officials responsible to all the people, can have an affirmative role in the programs authorized by this act and can exercise real judgment as to the value and effectiveness of projects in areas under their jurisdiction. Political manipulation of the very worst sort has run rampant throughout the Nation involving the taxpayers and poor people as "pawns." Legislation must be provided whereby the Director cannot override the veto of the Governor. As chief executive of the State, the Governor should have the final authority to judge whether a program is good or bad. The decision as to whether the Governor is right must remain the judgment of the electorate.

Because of the overwhelming evidence presented in cases throughout the country, we will offer the so-called Murphy amendment, which passed the other body. Additional amendments will be proposed to allow for effective State and local participation in the programs funded under this act—and to encourage better coordination of all efforts aimed at eliminating poverty—in order to restore the proper perspective to the Federal role in combating poverty. The most logical and effective form of government is that which is close to home and that which the people can reach through the ballot.

Another thing that concerns us is the continuous usurpation of power from longstanding Federal and State agencies and departments. The duplication of effort accompanying this system is both time consuming and costly.

The present philosophy of OEO will do nothing more than abandon the poor people to "economic slavery" and "lock them in poverty." These people must be trained for a job to rise above this level, not just handed money. Educationally and culturally they will be just as poor as they have always been unless they learn a trade. It is criminal to allow the program to hold out false hopes. For when the subsidies are no more and the people are still untrained, they will fall even deeper into bitter despair.

Whenever money is allocated for a particular project, there should be strict adherence to basic business principles. Here the OEO has failed miserably. The entire amount, or as close as possible, should be related to the purpose of the project, and not to administrative and personnel costs.

For example, the unedited transcript of Kentucky Governor Louis Nunn's documented testimony shows that:

EMERGENCY FOOD AND MEDICAL PROGRAMS IN KENTUCKY

Middle Kentucky.—2038 D/1—Program Account #55—Approved 8/8/69 $37,280 of $57,000=65% directly to food and medicine purchase.

Middle Kentucky.—2038 C/0—Program Account #55—Approved 6/1/68 $20,390 of $28,836=71% directly to food and medicine purchase.

Middle Kentucky.—2038 C/2—Program Account #55—Approved 12/23/68 $33,700 of $42,000=80% directly to food and medicine purchase.

Northeast Kentucky.—2078 D/0—Program Account #55—Approved 9/19/69 $29,565 of $48,548=61% directly to food and medicine purchase.

LKLP.—8281 B/0—Program Account #55—Approved 8/11/69 (Boonefork Kitchen) $891 of $49,439=2% directly to food.

LKLP.—2469 C/0—Program Account #55—Approved 7/11/69 $70,496 of $136,928=51% directly to food purchases.

Ky. River Foothills—2164 C/0—Program Account #55—Approved 6/12/69 $24,200 of $117,000=21% directly to food purchases.

This high delivery cost is in sharp contrast to the administrative costs of the Kentucky public assistance program, which is a little over 7 percent.

Public assistance services and administration—1968–69

Services and benefits	[1] $170,335,500
Administration	13,300,600
Total	183,636,100

[1] Includes $22,200,000 food stamp benefits.

NOTE.—Administration cost was 7.2 percent of total cost and 7.8 percent of services and benefits. One dollar of administration cost delivered $12.81 in services and benefits.

On the floor of the House (Congressional Record, October 28, 1969), in the committee and by letters (dated October 28, 1969, and No-

vember 4, 1969) the distinguished chairman has been repeatedly requested to reopen the hearings to hear elected State officials.

The chairman's incredible response is to be found on page H10131 of the October 28, 1969, Congressional Record:

> After we mark up the existing bill, which I hope will be completed next week, the distinguished gentleman from Iowa can call as many Governors and Attorney Generals before the committee as he likes.

Now we ask our colleagues in the House, is this the regular legislative process?

Since the conception of this program in 1965, only one sitting Governor has testified before this committee, and that was only because of our insistence and after the House Education and Labor Committee voted out the bill. Yet the role of the States' chief executives will be a major consideration during discussion of this bill on the House floor.

The distinguished gentlewoman from Oregon, Mrs. Green, a member of the committee, spoke for many of us when she said:

> I cannot think of one single allegation that has been made against the OEO program where there has been a desire on the part of the majority Members to really investigate and find out. That is why this war on poverty is in such trouble.

This sentiment is also being expressed by the public. The Columbus (Ohio) Citizen-Journal recently said in an editorial:

> Of course every time anyone challenges the OEO, its rabid backers accuse him of picking on the "poor." But a bureaucracy which fritters away much of its money on administrative costs cannot be much of a help to the poor.

The Citizen-Journal also expressed the view of many Americans when it said:

> We hope Congress and the Nixon administration will straighten out this agency, or find a better way of doing something genuinely useful for the people who need help.

Complaints from around the country dictate a real need for a thorough investigation of the OEO. To continue this program at a cost of almost $5 billion without major constructive changes would be a fallacy and hoax—the greatest ever perpetrated against both the taxpayers and the poor of America.

William J. Scherle.
Earl F. Landgrebe.

SEPARATE VIEWS OF CONGRESSMEN WILLIAM A. STEIGER AND JOHN DELLENBACK

We favor a 2-year extension of the Economic Opportunity Act without crippling amendments as requested by President Nixon on June 2 of this year.

We, too, have been critical of a number of aspects of the administration of the Economic Opportunity Act, but we are encouraged by the progress that our former colleague Donald Rumsfeld has made in eliminating the deficiencies of the past. We believe that the steps he is taking offer great promise that the Office of Economic Opportunity will at last achieve its capacity to give the poverty program the clear direction and sound administration that the poor of this Nation deserve.

As noted by our colleagues in the foregoing views—and as we have, individually, stated from time to time, a fundamental weakness in the operation of programs authorized by the act has been to discourage and frustrate "the affirmative participation of State and local government which is elected by and responsible to all the people." And it is also true that the lack of such participation is particularly critical in the community action programs. Here again, however, we note with approval the changes that have been announced by Director Rumsfeld to reverse this pattern and elicit more meaningful participation of State and local governments in the administration of programs under the Act. A new division of State and local government has been created to promote more effective relationships. A 30-percent increase has been budgeted in the funding level for State Economic Opportunity offices. Funds have been set aside to train employees of State Economic Opportunity offices and planning grants have been made to 13 States to enable them to strengthen their planning capabilities. In addition the necessary administrative changes are underway to insure greater State involvement in the preparation of funding plans and in the monitoring and evaluation of community action programs.

We note the Senate has adopted an amendment with respect to legal services programs which would extend the application of the Governor's veto. It is our considered judgment that such a provision would do serious damage to the legal services program and most particularly would have as its impact the withholding to those served by the legal services program the full and unfettered access to all remedies under the law.

Such a limitation runs counter to the concept of equal justice and traditional lawyer independence in the service of a client and is opposed vigorously by the American Bar Association. In addition, the Judicial Conference has expressed its opposition to the veto amendment. Lawyers are very proud of their independence in representing the interests of their clients, whether they be public or private, and that sense of independence, we believe, must not suffer inhibition. Such

inhibition would have a deleterious effect on not only the OEO legal services program but also on all public legal programs.

We concur in the view that a major failure of the antipoverty programs (and again, this is particularly but not exclusively applicable to community action) is the virtual absence of really meaningful evaluation—which is a critical failure in experimental programs in which both failures and successes must be carefully evaluated in order to assure the avoidance of failure and to make possible the replication of success.

In the 1967 amendments to the act, Congress provided for an independent evaluation of programs under the Economic Opportunity Act by the General Accounting Office. The report of the Comptroller General pursuant to that provision provided the first really objective evaluation of these programs that has been available. But this must not be the end. There is a great need to strengthen the capacity of the Office of Economic Opportunity to plan for evaluation of new projects before they are funded, to evaluate on-going projects through the use of techniques that are statistically aceptable, and to insure that evaluation results are produced in a form that enables program managers to take appropriate action to improve the effectiveness of the program they administer.

In light of the history and the established need, the Agency's new commitment to hard-nosed, skeptical evaluation is gratifying. With the building of a truly effective evaluation capability we are confident that the Office of Economic Opportunity can move away from the subjective and frequently biased evaluations which have characterized its past performance.

Finally, we also feel a deep concern about needless turmoil and unproductive controversy which has been associated with many of the activities under the antipoverty programs. Like our colleagues, we recognize the inevitability (and indeed the desirability) of a certain amount of social discord in the process of change, but feel that it has no value as an end in itself. Too often groups which should have been contributing to the antipoverty effort have been alienated from it. As Director Rumsfeld has stated.

> It is time we begin bridging the chasms in these groups, building more effective communications, sharpening and explaining our goals in terms of alliances rather than alienation.

The changes in OEO are a part of a redirection of the agency undertaken by President Nixon and Director Rumsfeld. Amendments to the act which complement what is being done administratively clearly would be in order.

As originally introduced, H.R. 12321 carried out the recommendations of the President for a 2-year extension of the Economic Opportunity Act, with an authorization of $2.048 billion for the fiscal year of 1970. This requested authorization represents an increase of $100 million over the fiscal 1969 expenditure figure. The majority of the committee voted to add $295 million to the administration request for Head Start and Follow Through, Emergency Food and Medical Services, "New Careers" and "Mainstream" programs.

We believe that these additional authorizations are not desirable. At this point in time, almost halfway through fiscal 1970, it is doubtful that increases of this magnitude could be prudently expended.

Further, the administration is committed to seeking ways of improving the effectiveness of the Head Start program. Until such improvement has been achieved, expansion of the program would be premature.

Expansion of particular manpower programs is unwise at this time and should be considered in the light of the pending overall manpower training bill, which would change the present categorical assistance approach and remove these programs from the Economic Opportunity Act.

In the food area, Congress has recently authorized a substantial increase in the authorization for the food stamp program. We regret that the House has not yet considered the reforms in that program proposed by the administration. While we believe OEO has an important role to play in this area we believe that the welfare reform proposals already submited by the President negate the need for the amendment adopted by the committee.

It is unfortunate that this legislation comes to the House so late in the year. Each day of delay further frustrates those being served by programs authorized under the Economic Opportunity Act.

It's time for OEO to be able to get on with its responsibility. As President Nixon said when he announced that OEO was to be the "R. & D. arm for Government's social programs":

> I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in Government.

The Office of Economic Opportunity is now revising the guidelines issued under the 1967 amendments in a number of specific ways to make it easier for State and local governments to play the role that Congress envisioned for them. These actions represent an entirely new spirit in the Office of Economic Opportunity's relationship with elected public officials. We support these changes as part of the broad effort to redirect the thrust of this Nation's antipoverty efforts.

WILLIAM A. STEIGER.
JOHN DELLENBACK.

INDIVIDUAL MINORITY VIEWS OF CONGRESSMAN JAMES M. COLLINS

Congress has now had a sufficient period of time to evaluate the effectiveness of the Economic Opportunity Act and the operation of the Office of Economic Opportunity. The record is one of near-total failure; if anyone has been lifted out of poverty through this program it has not been disclosed. Actually, in those areas in which the "War on Poverty" has been most lavishly financed—such as New York City—the welfare rolls have grown the most rapidly.

The Nation needs programs which will help people prepare for and find permanent employment; the thrust of these so-called antipoverty programs has been to make an industry out of the existence of poverty. The beneficiaries are not the poor, but the professional poverty workers. There have been some good features of this legislation, such as the development of Headstart programs for preschool youngsters, which, to the extent the programs succeed, promises to attack a basic cause of poverty. However, a program such as this should be consolidated with closely related activities of regular agencies, just as the administration of Headstart has been transferred to the Department of Health, Education, and Welfare.

If it were possible, the best approach to take with this entire program would be to terminate OEO and make a completely new start with competent personnel and fresh outlooks. Many of the worst problems encountered have been a result of unbelievably poor management; yet our civil service laws make this approach impossible. We literally are stuck with the most inefficient staff in government, and there is no way in which the new administration and the new OEO Director, Donald Rumsfeld, can change that situation.

Nor is there any effective State control under the existing law. If the present program were to be retained the only possible way of improving its operation would be to provide for effective State control. This should be accompanied by assurances of equitable distribution of Federal funds among the States. Perhaps in this way the program could be directed toward the needs of the poor with far less funds being drained off by inflated administrative salaries. State control might well eliminate the worst abuses of the program.

For example, Gov. Louis Nunn, of Kentucky, testified before our committee and presented stacks of affidavits citing OEO abuses in his State, such as the use of funds to paint private homes, the repair of private homes belonging to friends of poverty officials, construction of a poolhall, running sewer and waterlines to the homes of members of the community action boards, building private bridges, and paying staff to attend political picnics.

Kentucky is not unique in its experience with the abuses of this program; it is fairly typical. High administrative costs (ranging upward to 80 percent in programs cited by Governor Nunn) are found in every State in the Union. Every State has encountered the problem

of OEO-sponsored activities which run counter to the desires of a decided majority of citizens of the State as expressed through State law. Undoubtedly this explains why the Senate adopted the Murphy amendment which would give the Governor of each State an item veto on proposed legal services programs.

The fundamental direction of this legislation is wrong. I have said over and over again that the real need of America is permanent jobs, not permanent relief. When a poor person is given an opportunity to learn new skills, or to upgrade old skills, through job-training programs, and is helped to find a job in private industry, that is a real gain for America. However, when a poor person is selected by a poverty agency for work as a "community organizer" and paid $450 a month out of public funds to "go around and talk to people" that is nothing but badly disguised welfare; it is permanent relief and it helps neither the person nor the country in the long run.

Many of the programs of OEO are built around titles that inspire our sympathy. "Emergency food and medical services," for example, is not only a popular name for a program but it describes an urgent need; yet, upon examination, we find that most of the money goes for staff salaries, not food and medicine for the poor.

The poor in America are our fellow citizens. They deserve our best efforts, not this flim-flam operation of OEO where most of the money is floated off the top like cream and used for administrative costs. Even the relatively few poor people who are directly benefited would rather have permanent jobs at decent pay than the meager handouts of OEO. We need a fresh start, not new promises; we need progressive action through dynamic new concepts. There is no hope of such a start in the continuation of OEO.

Since late in 1964 the Economic Opportunity Act and its administrative agency, OEO, has floundered through a sea of wasted money, faulty planning, inept administration, and wasted opportunities. Where Congress has developed good programs, we have the responsibility to see that they are improved and expanded; where we have developed failures, we have an equal responsibility to admit the failure and terminate the program.

Accordingly, I shall vote against my extension of the authorization for the Economic Opportunity Act of 1964.

JAMES M. COLLINS.

○

Union Calendar No. 297

91st CONGRESS
1st Session

H. R. 12321

[Report No. 91–684]

IN THE HOUSE OF REPRESENTATIVES

June 23, 1969

Mr. Perkins (for himself, Mr. Ayres, Mr. Thompson of New Jersey, Mr. Gerald R. Ford, Mr. Dent, Mr. Bell of California, Mr. Pucinski, Mr. Erlenborn, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Brademas, Mr. Esch, Mr. O'Hara, Mr. Steiger of Wisconsin, Mr. Carey, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton of California, Mr. Gaydos, Mr. Powell, Mr. Hansen of Idaho, and Mr. Ruth) introduced the following bill; which was referred to the Committee on Education and Labor

November 21, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That, for the purpose of carrying out programs under the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and such amounts as may be necessary for the fiscal year ending June 30, 1971.~~

~~SEC. 2. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".~~

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amended by section 102 of this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these

programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) *The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:*

"(1) *A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and ex-*

pansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of

such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences,

and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated

$110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational pro-

grams and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. *For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.*

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be allotted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) pro-

viding for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraphs (1) and (2) thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract condi-

tions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"*AREAS OF SPECIAL EMPHASIS*

"*SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of malnutrition, hunger and serious medi-*

cal needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. *For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.*"

SEC. 402. *Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.*

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. *Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".*

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 502. *Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members*

of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 503. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

Union Calendar No. 297

91st CONGRESS
1st Session

H. R. 12321

[Report No. 91–684]

A BILL

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

By Mr. Perkins, Mr. Ayers, Mr. Thompson of New Jersey, Mr. Gerald R. Ford, Mr. Dent, Mr. Bell of California, Mr. Pucinski, Mr. Erlenborn, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Brademas, Mr. Esch, Mr. O'Hara, Mr. Steiger of Wisconsin, Mr. Carey, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton of California, Mr. Gaydos, Mr. Powell, Mr. Hansen of Idaho, and Mr. Ruth

June 23, 1969

Referred to the Committee on Education and Labor

November 21, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

For actions of Dec. 11, 1969
91st-1st No. 206

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HIGHLIGHTS: House passed supplemental appropriation bill.

HOUSE

1. SUPPLEMENTAL APPROPRIATIONS. Passed with amendment H. R. 15209, the supplemental appropriation bill 1970. This bill contains an item of $3.7 million for Flood Prevention, Soil Conservation Service, to cover damage caused by Hurricane Camille (pp. H12185-91). The Appropriations Committee had earlier reported the bill without amendment (H. Rept. 91-747)(p. H12237).

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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2. FLOOD CONTROL. The Public Works Committee reported without amendment H. R. 15166, to authorize additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control and navigation (H. Rept. 91-748). p. H12237

3. TAX REFORM. Conferees were appointed on H. R. 13270, the tax reform bill. pp. H12192-4.

4. POVERTY PROGRAM. Agreed to a resolution to provide for consideration of H. R. 12321, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and the language which will be offered as a substitute is printed in the Record. pp. H12194-9

5. BUILDINGS. The Public Works Committee voted to report (but did not actually report) H. R. 14464, to amend the act of Aug. 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped. p. D1198

6. OPINION POLL. Rep. Wiggins inserted the results of an opinion poll of his Calif., constituents which contains items of interest to this Department. pp. H12199-200.

7. ADMINISTRATION PERSONNEL; CABINET OFFICIALS. Rep. Taft praised the extent to which this Administration is utilizing "the talents of outstanding and respected individuals from academic life", and mentioned officers in this Department. pp. H12200-2

8. IMPORTS; EMPLOYMENT. Rep. Boland spoke on the effect of imports on the domestic economy and said that many industries and millions of working men and women are threatened by a variety of imports and that it has reached alarming proportions. pp. H12232-4

SENATE

9. CIVIL SERVICE. Passed as reported H. R. 9233, to increase the scope of the reimbursable services for which the Civil Service Commission Revolving Fund may be used. pp. S16403-4

10. APPROPRIATIONS. Agreed to conference report on H. R. 13763, the legislative branch appropriations bill, 1970. This bill will now be sent to the President. pp. S16410-5

    Passed with amendments H. R. 14916, the District of Columbia appropriations bill, 1970. pp. S16415-29

11. TAX REFORM. Passed, 69-22, H. R. 13270, the tax reform bill. Conferees were appointed. pp. S16435-60

12. HUNGER; FOOD STAMPS. Sen. Javits expressed concern over the possibility that the problem of hunger might become a partisan issue and paid tribute to Secretary Hardin "that he did not let the bureaucracy block action." Sen. McGovern responded with assurances of continued bipartisan action, and inserted correspondence from this Department and a newspaper editorial. pp. S16429-35

Along with my colleagues, I have a great stake in the adoption of a fair and equitable tax bill. It would be my hope that it might not have to be done again next year—or in the next session—or in the next Congress.

If we can truly make this a tax reform bill—if we can truly provide a more equitable tax on those who have had unfair preference—if we can truly provide tax relief to those most deserving—our work may prevent the taxpayers' revolt which former Secretary of the Treasury Joe Barr said would soon occur.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to my distinguished chairman.

Mr. MILLS. I would much prefer, of course, at all times not to go to a conference under instructions, but if I were going to this conference under instructions from my colleagues in the House there are many, many items I would have included in such a motion which the gentleman does not include in his motion. I believe that the instructions of my colleagues in the House should be to the conferees—at least to me as a conferee—that I fight as hard in the conference to preserve what the House passed as I, along with my colleagues on the committee, fought to develop the bill initially in the committee and to pass it in the House.

I think my friend from Ohio has been on the Ways and Means Committee long enough to know that I do not like to labor in futility—work and work as hard as we did—and then in conference capitulate. I do not like to ask the Members of the House to go up the hill with us and take all of the heat we have taken with respect to the provisions in this bill and then ask my colleagues to march down the hill. I have never done that to you and I do not intend to do it now.

And, Mr. Speaker, if the gentleman will yield further—

Mr. VANIK. I am happy to yield further to my distinguished chairman.

Mr. MILLS. When I go to a conference I consider myself pledged when I get to conference to uphold the position of the House, not my position, but the position of the House. The position of the House in this instance is the bill that the House passed by such an overwhelming vote. We set out as the gentleman knows to do something in each area that provided a tax shelter, and we did. Some of those areas have been amended in a way that I do not like. Some of them, I understand from talking to our people who have followed their actions over there, have been improved actually by the other body, because I understand in some areas they expressed interest in strengthening tax reform provisions and in the development of additional revenue. So, you can see that there were some good amendments adopted.

Now, we will analyze those amendments and those that we believe are destructive of the bill, we will fight. I think I can assure the gentleman that is the feeling of all of those who will be conferees—I have worked with too many of them too long not to feel that all of us will be in there fighting as hard as we can fight to retain in the conference report as much of the House bill as anyone can. Furthermore, the House will have an opportunity to see the conference report and, since the conference has been asked for by them, the report will be considered first here and if it does not meet with the approval of our colleagues, we can recommit it to the conference.

So, I would like that degree of flexibility which I think we need more in this conference than any other conference I can remember ever having attended.

I would hope that my good friend, in light of this and the statement I have made and knowing of the work we did in the committee, and my intention to uphold that work, would withdraw his motion to instruct the conferees.

Mr. VANIK. Would the gentleman indicate whether or not we can expect tax relief by way of increased exemptions, because that matter was not considered in our committee?

Mr. MILLS. We did not take that topic up in the Committee on Ways and Means, as the gentleman knows. We preferred in the committee by a vote—I have forgotten what the vote was—to do it by rate reductions. The Senate on the other hand has preferred to do it by an increase in personal exemption.

I have as much interest in increased exemptions as anyone in this House. It is a question of timing with me. I do not want us to do something that will permit the President to possibly say that a Democratic-controlled Congress has made it impossible for him in the year 1970 to do anything to stop inflation. However, if we do something that will put his budget out of balance for fiscal year 1970, I daresay that would be the charge he would make. I do not want us to get into that position. I think my friend from Ohio would agree with me that any tax reductions that we finally agree to in the conference should be tax reductions that do not affect the fiscal year 1970 and, perhaps, do not affect even calendar year 1970.

There is one that is frozen insofar as 1970 is concerned that we cannot do anything about and that is the minimum standard deduction. Their change is nearly the same as ours. So there will be this change in 1970, in any event which will have an effect on revenues in the calendar year 1970.

Mr. VANIK. Am I correct in understanding the distinguished chairman and believing that it is your intention to provide some system of relief by way of increased exemptions?

Mr. MILLS. Oh, yes. We have that definitely in mind.

Mr. VANIK. Am I correct in my further understanding that the distinguished gentleman from Arkansas will insist upon the House provision which dealt with oil depletion?

Mr. MILLS. I will insist on not just that. Why does the gentleman not ask me about all of them?

Mr. VANIK. How about all of them?

Mr. MILLS. As far as I am concerned, I am going to insist on all of them, if I can get them all.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I want to commend the chairman of the Committee on Ways and Means for the work that he and his committee have done this year on bringing up tax reform. I want to correct the gentleman on a statement that he has just made.

The gentleman said that he did not want to have the President feel that a Democratic-controlled Congress resort to politics and jeopardize his legislative program. It has been my observation, and the observation of most Members on this side of the House, that when most Democratic platform issues are debated the Republican leadership and a few of the southern Democrats get together, that they can outvote us by about 15 to 20 votes, so this session is not in reality a Democratic-controlled Congress.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from Arkansas could tell us or give us any idea on whether he will be able to wring these concesions out of the other body by New Year's Day?

Mr. MILLS. Mr. Speaker, would the gentleman yield?

Mr. VANIK. I yield to the distinguished chairman, from Arkansas.

Mr. MILLS. Mr. Speaker, I appreciate the gentleman yielding to me.

I want to keep all my colleagues advised, as we go along on this matter. It is my understanding that we will begin our conference with the Senate on this matter at 10 o'clock next Monday morning.

I had hoped that we could begin our conference in the morning, and that we could work Saturday, but I can understand the reluctance of any Member of the other body—after having labored with this bill as long as they have—wanting to ge a little bit of rest from the tax bill, at least over the weekend.

So, Mr. Speaker, I agreed to resist my own feelings and lay them aside, and accommodate the Senate Members on timing. So we will go to conference at 10 o'clock on Monday morning. That means that we may be able to have a conference report before Christmas, but it is going to be quite difficult for us to reach agreement on a conference report, to have the report filed, and to have an opportunity for the House to vote on it before Christmas.

I think my friend, the gentleman from Iowa, knows that it takes some little time for our technicians to prepare the conference report after the decisions are all completed.

Mr. GROSS. Mr. Speaker, would the gentleman yield further?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, one Member of the other body has described it as a Christmas tree. I just wondered if that was an accurate description.

Mr. MILLS. If the gentleman will yield further, Mr. Speaker, if it is a Christmas tree it should be all right for it to remain

so through the Christmas season, even if we have to remove the trimmings after Christmas. That is a common practice, I understand.

But we intend to do some removing of these trimmings even before Christmas.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. VANIK. Mr. Speaker, I want to thank my distinguished chairman. The conferees and managers on the part of the House have our best wishes, and I ask that they speak for the average taxpayers of America who need to get some relief out of this tax program which will be before the conference.

Mr. Speaker, I withdraw my motion.

The SPEAKER. The gentleman from Ohio withdraws his preferential motion.

The Chair appoints the following conferees: Messrs. MILLS, BOGGS, WATTS, ULLMAN, BYRNES of Wisconsin, UTT, and BETTS.

PROVIDING FOR THE CONSIDERATION OF H.R. 12321, ECONOMIC OPPORTUNITIES ACT AMENDMENTS OF 1969

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 734 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 734

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor as a original bill for the purpose of amendment under the five-minute rule and to read such amendment in the nature of a substitute by titles instead of by sections. At the conclusion of such consideration, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments there to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 12321, the Committee on Education and Labor shall be discharged from further consideration of the bill S. 3016, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 12321 as passed by the House.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. MARTIN) 30 minutes, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 734 provides an open rule with 3 hours of general debate for consideration of H.R. 12321, Economic Opportunity Act Amendments of 1969. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and that, after passage of the House bill, it shall be in order to discharge the Committee on Education and Labor from further consideration of S. 3016, move to strike all after the enacting clause and amend it with the House-passed language.

The purpose of H.R. 12321 is to amend and extend the Economic Opportunity Act. The bill as reported contains a committee amendment which substitutes a new text for the bill and adds three new parts to emphasize and strengthen Headstart and Follow Through, the manpower training programs, Mainstream and New Careers, and the emergency food and health service program. The bill provides a 2-year extension of all programs.

The bill authorizes $1,563 million for fiscal year 1970 and such amounts as may be necessary for fiscal year 1971. In addition, there are specific authorizations for fiscal year 1970 for new features of the act, as follows:

New part E of title I—special work and career development programs—$110 million.

New title IX—special comprehensive preschool programs and programs providing for intensive followthrough education for primary schoolchildren—$578 million.

New title X—intensive programs to eliminate hunger and malnutrition—$92 million.

The areas affected by the legislation include: work training and work-study programs; urban and rural community action programs; special programs to combat poverty in rural areas; employment and investment incentives; work experience training, and day care programs; domestic volunteer service programs; special comprehensive preschool programs and programs providing for intensive followthrough education for primary schoolchildren; and intensive programs to eliminate hunger and malnutrition.

Mr. Speaker, in a bill as comprehensive as H.R. 12321, there are bound to be shortcomings as viewed by individual Members of the House, who, as we know, represent many divergent interests. As a matter of fact, I myself am not fully satisfied with certain provisions of the bill as reported and hope to offer corrective amendments at the proper time. But, all in all, the Committee on Education and Labor did a commendable job, and the bill deserves our support.

Mr. Speaker, I urge the adoption of House Resolution 734 in order that H.R. 12321 may be considered.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, does the gentleman from Hawaii know of any opposition to this rule?

Mr. MATSUNAGA. No, there is no opposition.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 10 minutes.

(Mr. MARTIN of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. MARTIN of Nebraska. Mr. Speaker, as the gentleman has indicated, House Resolution 734 provides for an open rule with 3 hours of debate on the bill, H.R. 12321, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964.

Mr. Speaker, I realize the hour is late and we do have several speakers on our side of the aisle who would like to have the opportunity to express themselves on this legislation.

This legislation has been considered in the Committee on Education and Labor for many, many months. It has been on a merry-go-round—a merry-go-round in the committee itself and climaxed by the merry-go-round which occurred on the floor of the House last Wednesday when the chairman of the committee abruptly withdrew this legislation from consideration last week.

The purpose of the bill is to extend the "war on poverty" for 2 years.

The bill authorizes considerably more money than requested in the budget for fiscal year 1970 and provides for an open end authorization for fiscal year 1971.

Title I authorizes $1,536,000,000, whereas the budget estimate was $2,048,000,000. This reduction is due primarily to the closing of many Job Corps camps throughout the country.

Title II, which contains the programs "Operation Mainstream" and "New Careers," doubles the authorization to $110,000,000 from the $55,300,000 in the budget estimates.

Title III also has a substantial increase which provides special comprehensive preschool programs and programs providing for intensive followthrough education for primary schoolchildren is a $578,000,000 authorization versus of $389,700,000 budget estimate.

Title IV, which includes programs to eliminate hunger and malnutrition, has a 300-percent increase over the budget, increasing to $92,000,000 from $30,000,000 in the budget. Consequently, there is a total authorization in the bill of $2,343,000,000 versus a total budget estimate of $2,048,000,000.

The Education and Labor Committee conducted hearings on this legislation beginning March 24 and extending through June 2. The chairman of the committee, in testifying before the Committee on Rules, stated that he expected in 1970 to hold comprehensive hearings on all Federal manpower programs with an aim toward eliminating duplication, wasted funds, and more efficient operation of the programs.

At the present time, there is a great proliferation of Federal manpower programs. There are at least 31 different Federal programs administered by 20 different Federal offices and authorized under some dozen different laws. There is duplication of effort and waste of tax-

payer's dollars in this hodgepodge of current Federal manpower programs.

The Education and Labor Committee has had the last 11 months in which to make a comprehensive study of all of our manpower programs and policies. This should have been done before the bill was marked up. Greater efficiencies and economies could have been accomplished if the Committee had taken this action. As so often happens, however, in reports from the Education and Labor Committee, such a study is promised for the following year, but the following year comes and goes and no such comprehensive study has been made.

As I pointed out, the authorization for Operation Mainstream and New Careers has been doubled in the legislation before us today. Operation Mainstream is a job creation and work training program which enables enrollees to participate in projects for the betterment or beautification of the community or area served by the program and in activities which contribute to the management, conservation, or development of natural resources, recreational areas, parks, and highways in rural areas or towns.

The report states that $60,000,000 is to be made available for Operation Mainstream activities.

You will note from the above that these are simply created jobs which do not teach a skill or train the enrollees in acquiring a skill which would be of aid in securing employment in private industry. It is exactly the same as the WPA projects which we had back in the 1930's.

It is interesting to note from the figures in the report that in 2 years of operation, the Mainstream program has provided nearly 20,000 enrollment opportunities at a Federal cost of $72,000,000. This is an average cost of $3,600 per enrollee. It might be better if we simply gave the enrollee the money, as it would save the taxpayers since we could thus eliminate the overhead or administrative expense of the program.

A program such as this which does not train the enrollee is simply a stopgap approach. This sort of program does not get to the root of the problem, which is lack of a skill.

On-the-job training programs provide permanent answers to unemployment, and a decrease in our welfare rolls. The on-the-job training programs which the Federal Government is currently operating show that the average cost per enrollee is approximately $800 against $3,600 for Operation Mainstream.

There is no justification for doubling the authorization for the Operation Mainstream and New Careers programs, and I hope that by an amendment offered on the floor that this program will be cut back at least to the Bureau of the Budget figures.

In addition, the bill before us sets up Operation Mainstream and the New Careers program in a new section of the law. Heretofore, it has always been included in title I–b. More efficient operation can be attained by not separating it from other manpower programs.

Title III of the bill authorizes $578 million to carry on the Headstart and Follow Through programs. This is a $188.3 million increase over the President's budget which is almost a 50-percent increase. Of all the programs under OEO, Headstart has had less criticism than any of the others.

Another new section of the bill would make available legal services to members of the armed forces at their request "in cases of extreme hardship" with the cost of such services to be reimbursed by the Secretary of Defense. No testimony was heard from the DOD.

The gentleman from Minnesota (Mr. QUIE), a distinguished member of the Education and Labor Committee wrote a letter to the Acting General Counsel of the Department of Defense on November 19. The Acting General Counsel replied stating:

> It would be preferable for the Department of Defense to provide this service to its personnel rather than have them using programs operated by the Office of Economic Opportunity. Accordingly, the Department of Defense recommends against the adoption of the amendment.

When the amendment to delete is offered, it also should be adopted by the House.

The bill, in title IV, authorizes $92,000,000 for fiscal year 1970 to carry out programs to eliminate hunger and malnutrition. This is a 300-percent increase over the budget figures. In view of the fact that the House recently passed legislation substantially increasing the food stamp program, it seems to me that this increase in title IV is ill-considered, ill-timed, and inappropriate.

Some features of the Economic Opportunity Program are good programs, but there is much to be desired, and I fault the Committee in not making the in-depth study this year which should have been made before this legislation came to the floor of the House. I approve the rule, but oppose the legislation as it is currently written.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. ANNUNZIO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair is counting.

Mr. HALEY. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The gentleman from Florida withdraws his point of order.

Mr. MATSUNAGA. Mr. Speaker, unless there are further requests for time on the other side——

Mr. MARTIN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, considering the mood of the House, I would really find myself in a little bit of danger here to be standing up speaking for my full 5 minutes.

What I am going to say is that we do have a substitute, and we have worked out some accommodations with our colleagues which have not changed the substance of the substitute.

My colleague BILL AYRES has the next time, and he is going to put this in the RECORD tonight so that Members can all see it tomorrow.

If the gentleman from Illinois would like to have me yield to him, to get in a short commcnt on his part, I will yield, and we will try to move this along as fast as we can.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

(Mr. ERLENBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, the gentleman from Minnesota correctly states that several of us on the Committee on Education and Labor have over the past several days gone over the proposed substitute, which was inserted in the RECORD last week. We have made some changes which I believe make the proposed substitute much more acceptable. I intend to support the substitute, which will be placed in the RECORD tonight by the gentleman from Ohio.

Amendments will be offered in an attempt to allow the House to work its will tomorrow, and to make further improvement in the substitute.

I thank the gentleman for yielding.

Mr. QUIE. I thank the gentleman for his comments. I would say to the gentleman that he is one of the most able members of our committee and I appreciate the help he has given us in order to enable us to come forth with a substitute which we will present to the House on tomorrow.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, rather than take up the time of the House at this late hour, I will state that there have been certain accommodations made already. As the Members of the House know there was to have been offered last week an amendment in the nature of a substitute which the Members will find at page H11747 of the CONGRESSIONAL RECORD of December 3, 1969. The bill that will be substituted tomorrow or offered as a substitute will contain these accommodations.

Mr. Speaker, I ask unanimous consent to insert the substitute at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT TO H.R. 12321 IN THE NATURE OF A SUBSTITUTE

(Offered by Mr. AYRES, to strike out everything following the enacting clause and insert in lieu thereof the following:)

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 20, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967"

and by inserting in lieu thereof "1968". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the two succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTI-POVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State, but only if and to the extent a State excercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251. (a) The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist anti-poverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity (but not to exceed 30 days) to review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) Each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office (with the concurrence of the Governor) shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office) for funding under this title unless the Director shall have made a finding that approval of such application would strengthen the overall program plan of a local community action agency, or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this Act.

"(2) The Director shall not delegate the resonsibility for making the finding required in paragraph (1) except to the heads of other Federal agencies, and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connetion with specific projets or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252 (a). Any State which desires to participate in the development and carrying out of a State deevlopmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) Federally assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for use of funds under sections 221 and 222 and title VIII of this Act which plan (1) is prepared in consultation with the State Office, (2) extends over a period of not less than five years and (3) taking into consideration available resources, sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253. (a) Any State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluations of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to section 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under sections 221 and 222 of this title and under title VIII submitted by local community action agencies and other qualified applicants, and for

the review and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of programs funded under this part with State-administered programs affecting the poor;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a public hearing by the State Office;

"(8) provides assurances that Federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of Federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall by regulation establish criteria for approval of State developmental and coordination programs submitted pursuant to subsection (a), and when he finds that such a program complies with such criteria and the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such program will be carried out, he shall approve such program, and the Director shall not finally disapprove any program submitted under subsection (a), or any modification thereof, without first affording the State Office reasonable notice and opportunity for a hearing.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State Offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such States for such year under section 225 (a) and (b); *Provided, however,* That, until June 30, 1971, the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State, or that it is necessary to assist programs authorized under section 222 of this Act.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed 5 per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) the term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State Office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, "the Director shall notify such State Office that no further payments will be made to the State under the State program (or, in his discretion, that further payments to the State under the program will be limited to activities under or portions of such program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall support eligible community action and VISTA volunteer programs in such State in accordance with other provisions of this title (except that he may support those activities under or portions of the State program not affected by such failure).

"(2) A State Office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community"; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program) as are ordered in accordance with the law of the jurisdiction, by the court or other board or agency which has jurisdiction of the matter), the same as a private person."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 303. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 304. Section 232 of such act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects, either directly or through grants or other arrangements, under which funds available

under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

TECHNICAL AMENDMENT OF GOVERNOR'S VETO PROVISION

SEC. 305. Section 242 of such Act is amended by striking out the period at the end of the first sentence and inserting:

": *Provided, however,* That this section shall not apply with respect to any application which the State Office has recommended not be approved under section 251(c)(1)."

AUTHORIZATION OF STATE AUDIT

SEC. 306. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of each community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(a) For purposes of chapter 15 of title 5 of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating community-wide antipoverty programs, or any agency assuming part or all of such responsibilities (including the administration of components of a community action program) under delegation from an overall community action agency, and receives assistance under this Act, shall be deemed to be a State or local agency."

ANTI-RIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a) after "Sec. 621." and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall (1) at the time of entering into any contract or arrangement with nongovernmental organizations or individuals for the evaluation of programs or projects administered by him under this Act, or entering into any substantial modification of any existing such contract or arrangement, furnish to the Comptroller General of the United States a copy of the contract or modification thereof or a description of the arrangement or modification thereof, together with a statement of the bases upon which he considers the evaluation work involved and the estimated cost thereof justified, and upon which he has determined that it was necessary to contract or arrange with a nongovernmental organization or individual for its performance;

"(2) require each Community Action Agency designated under Section 201 of this Act, to advise him of each contract or arrangement entered into by it with nongovernmental organizations or individuals for the evaluation of programs or projects administered by it under this Act, including information regarding the purpose, cost, scope, evaluation methodology, and organizations or individuals involved in such contract or arrangement; and

"(3) furnish to the Comptroller General of the United States at the end of each calendar quarter a listing of all contracts or arrangements reported to him in accordance with paragraph (2) of this subsection during such calendar quarter, including identification of the program or project, the organization or individual, and the cost involved in each contract or arrangement.

"(b) The Comptroller General shall conduct evaluations of programs carried out under this Act, and upon request by a committee of the Congress, or to the extent personnel are available, by Members of Congress shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal agencies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity and of Community Action Agencies designated under Section 201 of this Act of contracting with private firms, organizations, and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in achieving the objectives of this Act.

"(d) The Comptroller General or any of his duly authorized representatives shall have access for the purpose of audit had examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this Act.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of these sections.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantial financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment(with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personnel actions affecting such position, or (3) while he is a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810 (a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under section 222(a)3 of this Act."

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.
The resolution was agreed to.
A motion to reconsider was laid on the table.

REQUEST FOR HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MESKILL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. ALBERT. Mr. Speaker, would the gentleman object if I made the unanimous-consent request for the House to meet at 11 o'clock tomorrow? I think we might finish this bill.

Mr. MESKILL. I would object, Mr. Speaker.

The SPEAKER. Does the gentleman from Oklahoma make the unanimous-consent request that the House meet at 11 o'clock a.m. tomorrow?

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MESKILL. Mr. Speaker, I object.

EXTENSION OF THE VOTING RIGHTS ACT

(Mr. ABBITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABBITT. Mr. Speaker, I am very much opposed to H.R. 4249, which would extend for another 5 years the Voting Rights Act of 1965.

When this matter was before the House for several days in 1965, it was my feeling that it was punitive legislation, designed to place restrictions on the voting machinery in certain States for the benefit of political interests in the big urban centers elsewhere in the country. It was an effort to demonstrate to certain pressure groups, for political expediency, that the Federal Government could exercise powers far beyond anything that had been used heretofore.

Four years have passed and here we are again considering the matter of voting rights, with the claim being made that this bill merely extends existing law for another 5 years. In my opinion, it was a bad law when it was enacted and its acceptability is not enhanced by extending it another 5 years.

In the first place, the basis upon which the affected States were to be brought under the act was questionable. It supposed that since less than 50 percent of the eligible voters in these particular areas did not go to the polls on election day in 1964, it was presumed that some irregularities existed. This was, of course, a ridiculous assumption and thus established in the law a premise based entirely on a presumption of guilt.

Now we have before us a bill which would continue the discrimination against those States that were considered targets in the beginning. This again is punitive legislation which ignores progress and fans the fires of indignation felt by the electorate of these States. I am even more opposed to the extension than I was to the original enactment because there is absolutely no justification for extending it another 5 years. All that has been accomplished in the last decade in increasing voter participation, and so forth is completely ignored in an effort to justify this bill.

It is interesting and revealing that many of those who are most in favor of continuing the provisions of the present law are opposed to applying it on a nationwide basis. The data used in 1965 was questionable then and has no relevance to the situation today. Yet, it is being used. This outdated data cannot be justified by any sense of logic or fairness and would not stand the test of acceptability if the shoe were on the other foot. There has been far too much punitive legislation of this type in recent years and the only way that we will ever solve the problem of protecting the rights of all is to deal fairly with everyone concerned.

I feel that if any action is to be taken at all by Congress it should seek to protect the right of every qualified voter in the United States to vote the way he chooses—not to take punitive action against a few.

The use of the 1964 figures may be questioned as a basis since there may have been all kinds of reasons why people did not choose to vote in that particular presidential election—many of which had nothing whatever to do with registration. Thousands of new voters have been registered in the affected States since 1964 and many of these voted last year. Yet, this bill proposes to continue the same penalties which grew out of the vindictive 1965 legislation. This is not fair; it is not just; and it is not in the tradition of American legal treatment.

The Southern States are being used as a lever to keep alive an issue which can be used to advantage in the big urban areas in other sections of the country, all for political expediency. I feel that we should try to get the Federal bureaucracy out of the affairs of the States and to extend a law of this type, where the need for such an extension has not been demonstrated, is beyond the realm of reasonableness.

QUESTIONNAIRE RESULTS IN 25TH DISTRICT OF CALIFORNIA

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, in November of this year I mailed a questionnaire to the residents of the 25th Congressional District of California asking their views on a number of issues. The district includes the eastern portion of Los Angeles County and northern Orange County. More than 25,000 people took the time to reply, including 5,000 high school students.

It pleases me to report that the results of the poll show that the majority of the people of the district, adults and teenagers alike, support President Nixon's phased reduction of troops in Vietnam. The adults voted 71 percent in favor of the plan, the teenagers 61 percent.

In order that my colleagues and others may know the complete results of the poll, I would like to place in the RECORD my newsletter which is being sent to more than 200,000 residents this week.

The newsletter follows:

QUESTIONNAIRE RESULTS

There has been considerable discussion lately about a body of public opinion known as the "Great Silent Majority."

Proponents of controversial points of view often claim the support of a majority of Americans, knowing that the assertion is difficult to disprove. The majority by its very nature suffers in silence, since there is no acceptable way to voice its frustrations. The average person does not march in the streets even for worthy causes; nor does he occupy public buildings as a protest against bad ones. Only at election time is the voice of the majority heard and respected. Between elections, it is only possible to make informed guesses concerning public opinion, based upon samples of that opinion.

I have just concluded the second sampling of public opinion in my District this year. It is not claimed that the results represent the voice of the "Great Silent Majority," but I believe the nearly 25,000 responses to a series of seven questions to be a more reliable gauge of the majority view than the "sound of marching effete."

Here are the results.

1. *If inflation continues, should wage, price and profit controls be imposed?* Yes, 57%; no, 30%; undecided, 13%.

Although the present plans of the Nixon Administration do not include economic controls over wages, prices, and profits, it is clear that most citizens would accept these drastic restraints in order to curb inflation. Both men and women feel about the same on this issue, but a wide variance exists between age groups. The older citizens suffering the most from inflation because of fixed incomes are much more willing to accept wage, price, and profit controls than the younger citizens.

2. *To help fight inflation by reducing government spending, the President has asked cutbacks in federal construction, including several projects in the 25th District. Do you approve?* Yes, 70%; no, 22%; undecided, 8%.

My purpose in asking this question was to determine the willingness of the citizens of the 25th District to accept government economies, even when it affected our depressed construction industry.

Although the affirmative response was decisive, there was a greater degree of reluctance in Los Angeles County where the number of families dependent upon the building industry exceeds that of Orange County.

The Presidential order applied only to future construction and the number of projects involved in the 25th District is few.

3. *From what you have read about the tax reform bill, are you in general agreement with its provisions?* Yes. 48%; no. 22%; undecided, 30%.

The most important conclusion from these responses is that a great many people either do not know about the tax reform legislation or are unsure of their views. Although I know a great deal about this controversial subject, I am not sure of my views either.

The tax reform legislation considered by the Congress this year is so incredibly complex and deals with such a variety of subjects, it is nearly impossible to be satisfied with either a "yes" or "no" vote. The bill contains both tax reform aimed at closing loopholes and tax relief provisions. On balance, I am persuaded that it represents an

improvement in the tax law and intend to support the measure unless unreasonable inflationary amendments are added prior to the final vote.

4. *The Congress will soon consider a new approach to the welfare problem. Initially it will cost more money than the present system, but may have the long range effect of taking people off welfare. Would you support this bill?* Yes, 66%; no, 17%; undecided, 17%.

The President's welfare proposals are well received but I believe that the support may be even greater than the figures indicate.

To many, welfare programs in any form are unacceptable. The frequent response on many returns was "Put 'em to work!" Compulsory labor may be a workable alternative to welfare when able-bodied welfare recipients are involved, but the problem becomes more complicated when the sick, the aged, and mothers of young children abandoned by their fathers are considered.

In essence, the Nixon welfare proposals require registration for work as a precondition to the receipt of benefits. The proposals deal with many facets of the problem, including uniform national benefits, vocational training, and expanded day care centers. If enacted, the program will be very expensive, but the present laws are a costly failure. It is important that a fresh approach, based upon requiring availability for work in appropriate cases, be given a fair trial.

5. *Would you favor a lottery draft law, with no student deferments, which only calls upon 18 and 19 year olds to serve?* Yes, 54%; no, 35%; undecided, 11%.

Since the preparation of the questionnaire, a form of lottery—the random selection system—has been implemented. Under the random selection system, student deferments are retained.

A true lottery system and the elimination of student deferments as a means of achieving near equality of the obligation to serve will be considered next Spring, together with other draft proposals, including the consideration of the volunteer army concept. Uniform military training for all, without deferment, remained the preference of many citizens; but it is not likely that this proposal will be implemented for the principal reason that the number of young men available for such training far exceeds our defense needs.

This question was the only one in which substantial differences were noted between the answers given by men and women. Women, it seems, are decidedly more cool toward the lottery proposal. The differences may be occasioned by a general attitude of opposition to any form of military service, which is more commonly held by women than men.

6. *Do you support President Nixon's phased reduction of troops in Vietnam?* Yes, 71%; no, 22%; undecided, 7%.

7. *Do you support continued military assistance to South Vietnam only to the extent necessary to prevent a communist military takeover in South Vietnam?* Yes, 69%; no, 23%; undecided, 8%.

These two questions are considered together, since they both deal with Vietnam.

The first was intended to measure the acceptability of President Nixon's policies in dealing with this vexing war. Approval was quite general throughout the District, with the Los Angeles County citizens again demonstrating slightly greater "hawkish" tendencies. The only variance from the District pattern was evident in the 21–35 female age group in Orange County. In this group, the President's policies received only 51% acceptance and a 36% negative response.

Admittedly, the question was not clearcut on the war, since advocates of immediate withdrawal may have accepted "phased reduction" as a compromise in the absence of other alternatives. This possible ambiguity, however, was dispelled by the substantially identical answers received to the second Vietnam question. To that question, the dedicated "doves" could cast an unambiguous "no" response. Only the strong "hawks" believing in prompt action to achieve a military victory were frustrated by the lack of a clear opportunity to voice their views.

Public opinion trends in the District on Vietnam since July, 1967 make it plain, however, that strong hawkish views prevail.

In April, 1967, 80.5% voted to accept the risk of Red Chinese intervention and increase our military effort to include a blockade of the Port of Haiphong. 92.6% rejected a unilateral cessation of the bombing of North Vietnam.

In August, 1967, 65% supported an increase in our troop commitment, if requested by field commanders; and 67% were willing to accept the risk of Chinese intervention by advocating an invasion of North Vietnam, if necessary to achieve a military victory.

In April, 1968, 77% rejected unilateral United States withdrawal in Vietnam, if it became necessary to achieve an end to the fighting. Only 4% believed that such a withdrawal would result in "peace" in Southeast Asia. Finally, 78% urged strong military pressure during any period of negotiations.

In June, 1969, 78% recommended a resumption of the bombing of North Vietnam, if negotiations in Paris were unproductive.

* * * * *

In addition to the questionnaires mailed to each postal patron in the District, approximately 5000 were circulated to high school students. Participation was entirely voluntary and included most high schools in the Los Angeles County portion of the District and the Placentia schools in Orange County.

Answers from the students were remarkably like the adult replies except in one predictable area: the draft. Hardly anyone who may be drafted likes the idea, and we all regret the necessity of involutary military service. But it is necessary, and all the demonstrations and peace symbols to the contrary will not remove the evil in the world which creates the necessity.

On Vietnam, 65% of the students supported the President's policies and 54% were willing to continue necessary military support to South Vietnam.

It may be a matter of comfort to many concerned adults that teenagers, on the whole, mirror the views of their elders. To others, this observation may prove disquieting.

* * * * *

Thank you for your continued assistance in helping me represent your views in Congress.

Sincerely yours,

CHARLES E. WIGGINS,
Member of Congress.

INVITATION TO THE PRESIDENT FOR JANUARY 1 IN THE MISSOURI LOCKER ROOM AT MIAMI

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLISON of Missouri. Mr. Speaker, demonstrating the gridiron form that won him a secure spot on the Whittier College bench, the President made a daring end run to Fayetteville, Ark., a few days ago. In a brilliant display of broken field running, he sidestepped Penn State, brushed aside Missouri University and headed straight for the Texas locker room. Oh, it was heady stuff and the Texas fans loved it, but the President's score may not be enough to win. The game is not over yet. The final gun does not sound until the night of January 1.

What if Notre Dame beats Texas in the Cotton Bowl, Mississippi beats Arkansas in the Sugar Bowl, and Missouri beats Penn State in the Orange Bowl? Who then deserves the plaque, Mr. President?

Let me make myself perfectly clear. The Longhorns are an exceptional team and worthy of praise. It is just that we think the award for the final standing should be reserved until January 1. It is like giving an award for the No. 1 baseball team with the World Series yet to be played or inaugurating the President after his parties national convention.

It is interesting to note that in recent weeks the Tigers have been rated fifth and sixth in the national polls while Penn State enjoyed second and third ratings. But now we find the Miami bookmakers favoring Missouri by 2½ points. You can be sure that this prediction in Miami is not based on political expediency.

Therefore, I take this occasion, Mr. Speaker, to invite the President to the Missouri locker room in Miami at the conclusion of the game on the evening of the first to present a plaque to the Nation's No. 1 team. Only by this gesture can the President bring us together and get us to lower our voices.

My constituents, John Brown, Poplar Bluff, Mike Carroll, Ste. Genevieve, and Tom Shryock, Fredericktown, advise that they desire to associate themselves with my remarks.

SUBSTANTIAL ULILIZATION OF ACADEMIC TALENT BY THE NIXON ADMINISTRATION

(Mr. TAFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. TAFT. Mr. Speaker, although it has certainly escaped widespread attention, one of the distinguishing features of the Nixon administration is the extent to which it is utilizing the talents of outstanding and respected individuals from academic life. This movement of professional personnel and ideas between government and the campus is an element of strength in our society. Responsive and effective government requires the most component men and the best ideas the Nation can provide. I am, therefore, pleased with President Nixon's extensive recruitment of academic personnel into this Republican administration. Clearly this administration is keeping open the channels of communication between itself and the intellectual community.

Persons from academic backgrounds are serving at the very highest levels in the White House in the Cabinet, and in key positions in the various departments. The following list is by no means inclusive, but I think it demonstrates the commitment of the Nixon administration to utilize the intellectual resources on our Nation's campuses.

Dec 12, 1969

11. WHEAT. Sen. Dole noted that wheat now ranks ninth in Kansas as income producer, and inserted a newspaper article supporting research to increase wheat acreage yields. p. S16583

12. TAX REFORM. Sen. Dole explained his negative vote on passage of the tax reform bill (p. S16589); and Sen. Williams, Del., inserted newspaper articles critical of the vote on the bill. pp. S16607-16608

13. ENDANGERED SPECIES. Sen. Nelson commented that there are only 6000 animals of the wolf species in the U. S.; inserted an article explaining decline of the wolf population. pp. S16594-95

14. LAND-GRANT COLLEGES. By unanimous consent S. 1148, to amend the Revised Organic Act of the Virgin Islands, which, among other things, provides that the College of the Virgin Islands and the University of Guam be treated as land-grant colleges eligible for Federal grants for extension work and experiment stations, which had been reported Dec. 8, by the Interior and Insular Affairs Committee, was removed from the calendar and referred to the Agriculture and Forestry Committee. p. S16689

15. ADJOURNED until Mon., Dec. 15, 10 A.M. p. S16689

HOUSE

16. APPROPRIATIONS. Conferees were appointed on H. R. 14916, the D. C. appropriation bill, 1970 (P. H12239). Senate conferees have been appointed.

17. BUILDINGS. The Public Works Committee reported without amendment H. R. 14464, to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped (H. Rept. 91-750). p. H12373

18. POVERTY. Passed 276-117, with amendments S. 3016, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of programs (pp. H12248-12346). H. R. 12321, a similar bill, which had been passed earlier, amended, was laid on the table (p. H12346). Conferees were appointed (p. H12346). Senate conferees have not been appointed.

19. The "Daily Digest" states that the Agriculture Committee met in executive session and approved the dairy section of the general farm bill. p. D1204

20. INTEREST RATES. The Banking and Currency Committee voted to report (but did not actually report) H. R. 15091, to lower interest rates and fight inflation, to help housing, small business, and employment. p. D1204

21. TAXATION; SOCIAL SECURITY. Reps. Fuqua and Dorn spoke of including the increased personal exemption and social security benefits in the tax reform bill. p. H12240

Rep. Madden stated that "if we could repeal only 50 percent of the fabulous loopholes" we could "have plenty of money for the relief of poverty." p. H12352

22. FOREIGN TRADE. Reps Burke, Mass., and Dent asked the House to act "quickly in the matter of flooding of imports into this country." pp. H12348-9

23. OPINION POLL. Rep. MacGregor inserted the results of an opinion poll including items of interest to this Department. pp. H12357-8

24. ARTS AND HUMANITIES. Rep. Brademas commended the President's message on arts and humanities. p. H12368-9

25. SAFETY; HEALTH. Rep. O'Hara inserted a letter endorsing the purposes of a toy safety resolution. p. H12370

26. LEGISLATIVE PROGRAM. Rep. Albert inserted a list of bills intended to be considered this week. p. H12347

27. ADJOURNED until Mon., Dec. 15. p. H12372

BILLS INTRODUCED

28. FOOD. H. R. 15223 by Rep. Brasco, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements; to the Interstate and Foreign Commerce Committee.

29. BOAT SAFETY. H. R. 15225 by Rep. Feighan, to provide for a coordinated national boating safety program; to the Merchant Marine and Fisheries Committee.

30. PLANT VARIETIES. H. R. 15226 by Rep. McCloskey, to encourage the development of novel varieties of sexually reproduced plants and making them available to the public, by making protection available to those who breed, develop, or discover them, thereby promoting progress in the useful art of agriculture; to the Agriculture Committee.

31. FREIGHT CARS. H. R. 15227 by Rep. Melcher, to amend the Interstate Commerce Act to give the Interstate Commerce Commission additional authority to alleviate freight car shortages; to the Interstate and Foreign Commerce Committee.

32. TRADE. H. R. 15228 by Rep. Philbin, to encourage the growth of international trade on a fair and equitable basis; to the Ways and Means Committee.

33. CONSUMER ITEMS. H. R. 15229 by Rep. Staggers, to assist consumers in evaluatin products by promoting development of adequate and reliable methods for testing characteristics of consumer products; to the Interstate and Foreign Commerce Committee.

steps to upgrade management policies to assure tenant responsibility, so that the tragic specter of vandalized public housing units and of whole projects can be eliminated.

Mr. Speaker, the conference report is comprehensive and explicit on this point, and is of such importance to the future of public housing that this language deserves particular emphasis in connection with our consideration of the conference report. Therefore, I submit the appropriate paragraphs of the Statement of the managers on the part of the House, entitled "Additional Aid for Very Low-Income Tenants," as follows:

ADDITIONAL AID FOR VERY LOW-INCOME TENANTS

The Senate bill contained a proivsion not in the House amendment adding a new section 24 to the U.S. Housing Act of 1937 authorizing up to $75 million per year in contracts for annual rental assistance payments to public housing agencies to cover the amount by which rental charges allocated to a unit exceed 25 percent of the tenant's income and to provide improved operating and maintenance services.

Both the Senate (sec. 206(a)) and House (sec. 210(a)) bills also contained a provision making it clear that the Secretary of HUD has authority to fix the amount of annual contributions in excess of debt service requirements of the project so long as the fixed contribution does not exceed the statutory annual maximum.

The Conference substitute retains the basic concept of section 211 of the Senate bill by generally limiting rents that may be charged public housing tenants to no more than 25 percent of their income. It provides Federal funds to cover the amount by which the appropriate rental charges exceed 25 percent of the income of the tenant and to cover the cost of adequate operating and maintenance services.

The conferees were concerned, however, that in a number of jurisdictions the benefits of limiting the rent which may be charged a tenant of public housing would not inure to those tenants receiving public welfare assistance, but would be captured by the public agencies administering the programs of assistance to these families.

The conferees realize the impracticability of attempting to provide through additional public housing subsidies the funding needed to make adequate the welfare payments provided by the various States. The conferees, therefore, have made clear that the requirement that the rents fixed by public housing agencies may not exceed one-fourth of a tenant's income shall not apply in any case in which the Secretary of HUD determines that limiting the rent of any tenant, or class of tenants, will result in a reduction in the amount of welfare assistance which would otherwise be provided to such tenant, or class of tenants, by the public agency.

The conferees are disturbed by the growing practice of stretching an inadequate welfare budget by placing in public housing increasing numbers of families who cannot pay even the operating costs of the unit they occupy. The conferees are hopeful that within the context of the welfare program, some means can be found to provide as much support for a welfare family in public housing as would be provided for that family in private housing. Accordingly, the Secretaries of HEW and HUD are requested to study the feasibility of developing a uniform policy concerning the rents which shall be paid in public housing for families whose rents come from public assistance.

The conference substitute deletes the provisions on section 211 of the Senate bill which authorized $75 million in contracts for rental assistance payments under a new section 24, on the basis that assistance for this purpose can be provided within the existing annual contributions framework as clarified by the bill, and transfer the $75 million to the authorization for annual contributions contracts provided under section 10(e) of the U.S. Housing Act of 1937.

The conferees intend that the Secretary's authority to make annual contributions in excess of debt service requirements may be used, to the extent that the statutory annual maximum permits, for (1) payments to cover existing operating deficits of public housing agencies and enable them to maintain adequate operating and maintenance services and reserve funds, and (2) additional payments to make up the amount by which the proportionate share of operating and maintenance expenses attributable to a public housing tenant's dwelling unit exceeds 25 percent of the tenant's income. The additional payments which are contemplated in clause (2) above may not be made with respect to a dwelling unit unless the rent paid for the unit is one-fourth of the tenant's income and such payments shall not be provided to make up any reduction in the amount of welfare assistance which is provided to a tenant.

The committee is deeply concerned over cases of lax management in many public housing projects which have led to high operating costs, deterioration of property, and an intolerable environment for the families who live there. Among the reasons given to the committee to demonstrate the need for additional subsidies for existing housing projects, a sharp increase in vandalism was frequently mentioned together with a sharp increase in crime which has driven many occupants out of the projects. Much of the blame for these conditions lies with project managers and local government officials. Too frequently individual projects have filled up with problem families to the exclusion of others with resulting vacancy rates which have caused local budget deficits.

The low-rent public housing program has a fundamental role to play in meeting the needs of low income families and a special importance in making possible urban renewal and other programs which result in displacement. It would be disastrous if the small but growing number of cases of mismanagement undercut the program by giving rise to public reaction against them and by driving out responsible families of low income. HUD should undertake promptly a review of its own local management guides with a view toward tightening them where necessary. At the same time it should make its own inspection and review of local practices to assure that project managers know the standards expected of them and fully enforce their own regulations. Project managers who do not enforce these standards are not doing the job expected of them by the Congress.

The conferees wish to make it clear that the benefits of subsidized public housing, including those provided by this section, cannot be achieved without tenant responsibility, including responsibility for the protection and care of property. Irresponsible tenant behavior jeopardizes the future of this program and cannot be tolerated.

The conferees do not intend that all tenants in public housing should pay 25 percent of income for rent. Prior to the enactment of the Housing Act of 1959, giving local authorities autonomy over this and other tenant relationships, Federal law set as a rule that rents in public housing should be no more than one-fifth of income. Regretably, upward pressures on local authority costs have forced cities to raise rents. The Congress has on several occasions provided special additional payments to maintain the low-income character of public housing projects to meet the basic financial needs of local authorities through provisions such as the supplementary $10 per month provided for the elderly and handicapped and for families of very low income and for large families. The conferees wish to make it clear that nothing in this or any other section of this bill is intended as a substitute for such existing authorized contributions. The additional $75 million authorized by section 211 of the Senate bill is being provided as additional annual contributions contract authorization specifically for the payments contemplated above.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on the Housing and Urban Development Act of 1969. I commend the gentleman of both Houses for their foresight by including insurance for losses from water-caused mudslides in the flood insurance program.

Mudslides, resulting from accumulations of water on or under the ground, have been particularly distressing to residents of California. The damages caused by mudslides have been great—creating personal hardships and economic distress to the victims of this unforeseen disaster.

Many factors have made it uneconomical for the private insurance industry alone to make flood insurance available on reasonable terms and conditions to those in need of such protection.

Under this act, the Federal Government, in cooperation with the private insurance industry, will provide a program of pooling risks, minimizing costs and distributing burdens equitably among those who will be protected by flood insurance and the general public.

I have long felt that the need for this program exists. With the lessons learned from the flood insurance program, I hope that the Congress would see fit to extend the program to include earthquake insurance, such as I have proposed in H.R. 14781.

Again, I commend the gentlemen of both Houses for recognizing the need of this program and for taking swift action in aiding in the alleviation of a portion of the distress caused by floods and mudslides.

Mr. RYAN. Mr. Speaker, if I may, I have several comments on the conference report on S. 2864, the Housing and Urban Development Act of 1969.

Included in the report is the amendment offered by Senator BROOKE, which provides public housing to tenants of very low income who would otherwise not be able to afford it.

Seventy-five million a year is authorized for annual rental assistance payments made by the Secretary to make up the difference between the tenant's rent and the amount of money necessary to operate the project—including better operating and maintenance services.

Unfortunately, the conferees did not include my amendment, which was adopted on October 22, 1969, when the bill was before the House to lower from 25 percent to 20 percent the part of the tenant's income that is spent for rent in the section 236 program and in the rent supplement program.

The section 235 program allows the owner of a private home to pay only 20 percent of his income, and he also receives a tax deduction on the interest payments he makes.

But the section 236 rentor not only receives no tax benefit, but also he is forced to pay 25 percent of his income.

The same situation applies to the rent supplement program. Rents are high, and large families have to pay rents they cannot afford. My amendment would have lowered the part of the person's income to be paid from 25 percent to 20 percent.

It is inequitable to require city dwellers who rent their apartments under the section 236 program or the rent supplement program to pay more than they can afford. Like the section 235 homeowners, they are affected by the high cost of living.

I regret that the conference committee did not see fit to include this in their package. Unfortunately, the problem still exists. And sooner or later the Congress will have to correct it.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on S. 2864.

The SPEAKER pro tempore (Mr. DAVIS of Georgia). Is there objection to the request of the gentleman from Texas?

There was no objection.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from New York (Mr. ROONEY) as Chairman of the Committee of the Whole, and requests that the gentleman from Illinois (Mr. ROSTENKOWSKI) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12321, with Mr. ROSTENKOWSKI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. AYRES) will be recognized for 1½ hours.

The Chairman recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 15 minutes.

Within the last few hours, opponents of H.R. 12321, the Economic Opportunity Amendments of 1969, have produced a second version of their substitute bill.

I might as well make it clear from the start: This second version is as odious as the first.

Neither can be accepted by those of us who believe that the effort upon which we embarked in 1964 is worthwhile.

Both versions strike at the heart of the economic opportunity programs. Both are calculated to destroy the concept of community action—the most creative and innovative development in American Government in our generation.

In its short life, the Office of Economic Opportunity has been the birthplace of a substantial number of programs which are now well established and accepted on both sides of the aisle of this House.

This is not to say, of course, that it has been without blemish. Twice, in 1966 and 1967, the Committee on Education and Labor and the Congress itself acted to rectify faults that became apparent as the new machinery settled into its work.

It had been my hope that, much earlier in the year, we could lay before this House a bill to extend the basic legislation, and to provide for such constructive amendments as were necessary to insure the orderly operation of the OEO programs.

But, Mr. Chairman, events have rendered that procedure both impossible and useless.

Today we are obliged to concentrate our efforts not so much on perfecting the operation of OEO, as simply on saving its life.

For there is no blinking at the fact that in carrying out the directives given to it by Congress, the Office of Economic Opportunity has made enemies. That is one measure of its success.

Those enemies have a goal toward which they have pushed since the day OEO's potential was first recognized. That goal has been and is the complete destruction of the agency and its major programs.

I do not say that it is the goal of those who support the substitute measure to be put before us. But I would caution my colleagues to look carefully at the probable consequences of a successful effort to pass the substitute. I place my confidence in the hundreds of community leaders across this country who have indicated their belief in the strongest possible terms that the substitute spells disaster for their local efforts.

If this effort to substitute succeeds, Members of this House may just as well say goodbye to a coordinated national effort to better the economic lot of the poor. We shall not have to waste more breath in talking about "community action" or "maximum feasible participation of the poor." We shall not have to say any more about "local determination" or "local initiative."

A vote for this substitute will have said it all. And, the Congress will have turned its back on the most innovative, constructive approach taken to date toward solution of the problems of the poor.

Five years is but a little time for an undertaking so broad. The remarkable thing is not that the goals we established are yet unreached. The marvel is that OEO has made any discernible progress at all—and it has certainly done that.

Let us look briefly at the record of accomplishment over the past 5 years.

OEO, in the first year of its existence was the initiator of the Headstart program. That program has now served more than 3.3 million of the country's neediest children, and has provided new employment and training opportunities for over 100,000 people. It is accepted everywhere as a great step forward in the handling of the problems of child development.

OEO was also the initiator of the legal services program. Under that program, nearly 2,000 lawyers are now providing legal assistance to over 800,000 poor people a year.

OEO also developed the Upward Bound program. That program has enabled 50,000 young men and women to prepare themselves to enter college—young men and women for whom college would not otherwise have been possible.

OEO began the Foster Grandparents program, under which 3,000 of the elderly poor have been given opportunities to earn money by helping institutionalized children.

OEO also developed comprehensive health centers. Today 49 of these centers are bringing comprehensive medical care to 300,000 poor.

OEO's programs for American Indians have begun to move us away from the patronizing paternalism which has so long characterized the Federal relationships with the Indian tribes.

OEO has funded some 2,300 neighborhood service centers. These centers bring needed social services, or reliable information on where to get them, to some 3,500,000 low-income persons.

And, OEO's income maintenance experiments, universally regarded as representing the best of experimentation in handling the problems of poverty, were the forerunner of President Nixon's proposals in the welfare area.

In the manpower area, as well, great strides have been made in the 5 years of the poverty program.

Two and one quarter million youths from low-income families have been enrolled in the Neighborhood Youth Corps.

Private industry has received support to train nearly 270,444 hard-core unemployed or underemployed adults in the JOBS program.

Approximately 70,000 people are enrolled in comprehensive employment programs.

Nearly 37,000 older persons from severally distressed rural areas have obtained jobs and training through Operation Mainstream.

And, 10,000 poor have found opportunities for advancement in the New Careers program.

Despite this record, some in this House would kill OEO outright, and have the courage to say so. Others would like to

see it wrecked, but would do the job by indirection.

Still others, would keep it alive and out in front, like a puppet mandarin, but with sharply reduced role and limited effectiveness.

Then there are others who would simply want the States to run the programs. But their uncertainty over just how the States are going to do this is evidenced by last-minute changes in the draft substitute which was first displayed last week.

Now, with a coalition of interests like that, there is little wonder that the substitute is a patchwork of compromise—painfully explicit in one version, foggy and indefinite in the next. The same variations in clarity occur from section to section within any given version.

Nor is it surprising, Mr. Chairman, that a plan like this was hatched up in the dark, kept secret from the committee that has oversight of the legislation, and announced—but not released—at a press conference less than 24 hours before it was scheduled to be considered by the House last week.

It is equally unremarkable that the revised version, too, was kept secret and out of sight while the Members of this House busied themselves for a week on version I.

This is a strange way to legislate, particularly on a program as broad and far reaching as this.

The action contemplated by the substitute—either version—is nothing less than than a disavowal of the basic philosophy that has underlain the economic opportunity legislation from the start.

That philosophy has been simply stated in two words "community action."

It embodies a concerted effort to mashal local resources—both human and financial, private and governmental—to solve local problems. It assumes that local people are rational, intelligent beings, competent to work out their own problems if they have the necessary technical services available to them. This applies to the poor as well as the affluent.

All of this is tossed overboard by the Johnny-come-lately substitutes. This latest proposal makes a mockery of concepts such as "participation of the poor," "participation of locally elected officials," and "local control" of economic opportunity programs.

We delude ourselves if we think the substitute proposals are simply a "restructuring" of community action. They destroy community action.

In essence, the substitutes would turn the whole range of community action programs over to the Governors of the 50 States. It delivers into the hands of the State economic opportunity offices—that is, plainly speaking, the Governors—a stranglehold over local initiative, and local participation.

The State domination implicit in the substitutes is so broad and so loosely bridled that local agencies become captives of the Governors' every whim, bias, or caprice.

The 5-year experiment in local initiative, local decision, and local control would become a program of the Governors, by the Governors, and for the Governors.

Now, the argument is made by some sponsors of the substitutes that although the State offices have broad latitude in approving or disapproving applications sent in by local agencies, the OEO director may still override. But this override is based upon a finding by the Director that approval would strengthen the overall program plan of a local community action agency.

This appears to be a considerable departure from the version which we had the privilege of studying for the past week. Under that draft, the override would have been based on a finding by the Director that disapproval would seriously weaken the overall program plan.

Now, this new approach, in a more recent draft, appears to offer some measure of protection for local initiative and local control.

But in the context of the overall thrust of the substitute proposals, the new veto authority for States offices is clearly an effort to strengthen the State role. I say to my colleagues that this will be at the expense of the local communities.

Mr. Chairman, the implications of various sections of the substitute go far, far beyond the scope of community action programs, operating in some obscure county or town in some remote section of the land. Neighborhood Youth Corps, JOBS, all title I manpower programs—in fact, all programs funded under the Economic Opportunity Act—will be affected by this far-reaching proposal.

The proposed new section 251(b)(2) requires that the Director give each State office advance notice of the proposed approval or funding of any application for assistance under any title of the act, and that the State office be given an opportunity to comment upon such proposed approval or funding.

The proposed new section 251(b)(3) requires the Director to afford the State office other opportunities as may be required to play an affirmative role in all programs financed by the act. This, I need not remind you, includes title I manpower programs.

Considering these actions together, the Governors are given a vast and indefinitely bounded authority over all economic opportunity programs. It stops short of giving the Governors an absolute veto, but this House should be aware that it is a giant step in that direction.

In a sense, this whole substitute approach is a remarkable gesture because it assigns to the States a role which the States themselves have never shown great eagerness to accept.

Two years ago, we made substantial changes in the structure of community action programs in the Green amendment. But we took great care to see that the feature of local control was preserved. We made it possible for States to substantially increase their participation in the great program of grassroots action.

Even this did not result in any great rush on the part of the States to become heavily involved.

Daniel Yankelovich, Inc., a firm engaged to study implementation of the Green amendment, came to this conclusion after interviewing State officials:

> Seventy-four per cent of the states never seriously considered designating a state agency as CAA. The commitment to local initiative was strong in these states. (Hearings, Vol. 2, P. 1324)

This fact was, interestingly enough, placed in the hearing record by a spokesman for the National Governors' Conference.

It seems to me that 74 percent of the States, apparently satisfied with the existing arrangement, is a rather healthy expression of opinion.

It fortifies my own feeling that the current effort to make the antipoverty program a State operation stems from a very narrow base.

Obviously, there was no great rush on the part of States or their Governors to come before either the House Committee on Education and Labor, or the Senate Committee on Labor and Public Welfare, pressing for an approach such as that envisioned by the substitute. I would have been happy to hear anyone who came.

The only Governor who asked to come was the Governor of my own State, who decided in November that he didn't like the President's bill. I was delighted to invite him, and even he told us:

> I don't want control of the OEO programs.

If this substitute is adopted, we will be saying to the poor, to local officials, and to the country that we have lost faith in local democracy—that we no longer have confidence in the capacity of local people to formulate solutions to their own problems.

We have required in preivous OEO legislation that 20 percent of the total funding of CAP agencies come from local sources. The other 80 percent, of course, was Federal funds.

The substitute proposal sets up a remarkable situation whereby the State government not only could tell a local CAP agency how to spend the Federal money—but how to spend its own local money as well.

That does not square with the long-held theory that local people know how to spend their funds better than anyone else—be it the State government or the Federal Government.

From the inception of the Economic Opportunity Act of 1964, the philosophy has developed that the poor should have a voice in the decisions affecting programs for them.

We insisted that this not be a token voice, but a real and far-reaching influence in the development of programs and policies.

More than once this body has stood up for the principle of "maximum feasible participation of the poor." We have written into the law itself the requirement that at least one-third of the governing boards of community action agencies be of the poor.

Here, again, those who come forward with this substitute proposal—either version—have turned their backs on this broad principle. Some who have stood on this floor and successfully fought for it, now seem willing and eager to cast it aside.

The substitute establishes State boards or councils to advise and oversee "community action," if it can still be called that. There is no requirement that these

councils be structured on the old principle. Nothing says that one-third of the membership shall be poor. Nothing says that one-third shall be elected officials.

I am frankly surprised and saddened that the principle has been abandoned so lightly.

As I understand the most recent substitute proposal—at any rate one of the most recent—States which opt to carry out a developmental and coordinating program for rural and urban community action begin with a clean slate. Virtually everything that has gone before is wiped away.

If the State plan does not include a Headstart-type program, then Headstart may not exist as far as that State is concerned.

If the State—meaning the Governor—decides to omit neighborhood services centers or consumer education programs from its plan for one reason or another, then the possibility of a neighborhood service center or a consumer education program will not exist there.

So it goes all down the line. The views of the poor people in the community and the insights of elected local officials are severely limited by the content of the State plan.

The danger I see is that if a city decides it needs a Headstart program in a State that does not encompass Headstart in its plan, then the children of that city may be effectively foreclosed.

If the local elected officials of an impoverished area decide they want and need a consumer education program, they are obliged to do without it if it isn't in the State plan.

I happen to be a strong States rights advocate. I believe in the authority of States to act affirmatively in the public interest. But I do not want to give any Governor or any State office the authority to deprive little children of a Headstart program, when some other child just across the State line can enjoy it.

I do not believe that we ought to give any Governor the right to deprive the poor people of any area of his State of the benefits of a consumer education program simply out of pique and spite.

This is not what we mean by States rights.

I have heard that the new draft would allow the Director to reserve funds to support title II activities and projects which are not scheduled for under the State plan.

As it has been described to me, even if 90 percent of the local community action agencies of the State are dissatisfied with the direction and design of the State program, the Director still may reserve for independent funding no more than 25 percent of the State allotment for title II.

He may do this only upon a finding that failure to fund would result in a substantial disruption of the effort to eliminate poverty in the particular State, or upon a finding that such funding is necessary to assist special emphasis programs.

On the surface, this revised language appears to provide a broader basis for independent funding. But here again, when it is considered in the context of the entire thrust of the substitute toward wider and more effective involvement of the Governors, the new authority can only be interpreted as further limiting the prerogatives of the local communities.

The Director may fund independently a program or programs which have been determined at the Federal level to be important.

The Director may fund independently a program or programs which have implications for State efforts to eliminate poverty.

But the Director may not independently fund an individual community's locally conceived and locally designed program.

While this concerns and distresses me, it does not surprise me, for it is consistent with the philosophy of those who wish to eliminate the local community's involvement in the antipoverty program.

I submit that the substitutes are not a forward step, nor a conservative step. They are a move to junk the investment the Nation has already made and to deny the experience gained during the past 5 years.

The new administration has concluded that the existing statutory authority provides an adequate base for building on this record. Both the President and his OEO Director have indicated their determination to do so.

The administration bill provided for a 2-year extension of the Economic Opportunity Act, without amendments, with an authorization of $2.048 billion for the current year. The Committee on Education and Labor has reported that bill, with some amendments. The committee amendments add new provisions which would emphasize and strengthen Headstart and Follow Through, Operation Mainstream and New Careers, and the emergency food and medical services program. There are also three relatively minor amendments of a clarifying nature.

Under the committee amendments, Operation Mainstream and New Careers are removed from title I–B and given special, separate status in a new part E of title I. In addition, the committee specifically earmarked $110 million for these two programs. This represents an increase of $54.7 million over the administration request.

The New Careers program, which is expected to receive above $50 million of the $110 million under this new part, is designed to provide jobs for poor people in a manner that gives them an opportunity to advance and make careers in public service employment. It has had demonstrated success in helping poor people—many of them former welfare clients—to achieve economic self-sufficiency. We believe that experience under the program warrants its expansion.

Operation Mainstream is a program to provide work experience for chronically unemployed poor adults who have no reasonable prospects for other full-time employment and who are unable to secure employment or training assistance in other programs. It enables enrollees to obtain meaningful employment in socially useful projects, and experience shows that it is an excellent means for restoring self-respect. More than a third of the enrollees have found regular jobs as a result of the skills gained while working in the program, and this in spite of the fact that the program is designed for those older persons with very poor employment prospects. Again, we believe that expansion is warranted.

The committee's amendments also add $188.3 million to the administration request for Headstart and Follow Through programs. It is expected that $126 million of this addition would be used for Headstart, and the remaining $62 million for Follow Through.

The administration is committed to converting some of the summer Headstart programs to full-year programs, but the administration budget does not provide additional funds for this purpose. The result is that the administration proposes to serve 184,000 fewer children in the current fiscal year than the number served in fiscal 1969. The additional funds provided by the committee will not fully compensate for the additional cost of converting to a full-year program, but they will reduce the impact on the number of children who can be served. The number of children now served by the program is only a small fraction of the number who could profitably be enrolled.

Evaluation of the Headstart program suggests, however, that much of its benefit may be lost if there is not adequate followup in the early years of elementary education. With this in mind, the committee proposes to double the administration's budget for the Follow Through program.

The third major committee amendment adds a new title X to the Economic Opportunity Act, authorizing programs to eliminate hunger and malnutrition, as a substitute for the present emergency food and medical services program.

The committee bill adds $62 million to the $30 million which the administration has budgeted for emergency food and medical services. We are told that the Congress will not have an opportunity to act this year on the administration's proposals for reform of the food stamp system. In the absence of an opportunity to improve the operation of the food programs administered by the Department of Agriculture, we believe it is particularly important to make adequate funds available under the flexible authority contained in the Economic Opportunity Act.

The bill as reported by the committee does not make structural changes in the way that economic opportunity programs are administered. It is a bill that provides essentially for continuity of the legislative authority under which economic opportunity programs are carried out. That does not mean, however, that we do not anticipate important changes in the way these programs are administered. It means only that the majority of the committee believes that the deficiencies in the poverty program have not been caused by the absence of an adequate statutory base. We agree with the administration that needed changes

can be brought about under existing law. Moreover, we fear that substantial changes in the structure of these programs would be disruptive, and would not be conducive to an orderly program of improving their administration.

I mentioned earlier, Mr. Chairman, that 2 years ago, in December 1967, we did make very substantial changes in the structure of these programs. The major titles of the Economic Opportunity Act were completely rewritten at that time. We provided for a substantial expansion of work and training programs to include services for the adult poor, and we introduced the concept of a community work and training program under the sponsorship of a single local agency. We provided for a complete restructuring of community action agencies, and for increased roles for State and local governments.

We also provided for better evaluation of Economic Opportunity Act programs. We wrote a good bill in 1967, and it has proved its effectiveness.

If the contemplated reforms which we wrote into the Economic Opportunity Act in 1967 have not been fully implemented, there is no indication that we need more law.

We simply need more administration. And our former colleague, Mr. Rumsfeld, has committed himself to the task of making the present legislation work. It is my belief that we owe him the opportunity to fulfill the commitment.

During hearings on the OEO legislation last spring, Mr. James Martin, representing the National Governors' Conference, testified that what was needed was not new legislation, but adequate implementation of existing legislation.

Let me quote briefly from Mr. Martin's testimony, which appears on page 1379, volume 2, of the hearings on the antipoverty legislation:

> The recommendations of the States concerning the OEO programs are all positive. No State even suggests that the programs be abandoned, none suggests that the States "take over" the program and those States that desire to administer the program agree that Federal guidelines to protect the interests and participation of the poor, State financial assistance, and State planning and coordination machinery are prerequisites to State administration.

Another major criticism that has been made has been of the failure to provide for solid, unbiased evaluation of program results. We provided the statutory basis for such evaluation in the 1967 amendments, but the results are so far disappointing. Director Rumsfeld has left no room for doubt about his commitment to honest, searching, objective evaluations. Existing law provides all the authority that is needed. Let us give him the opportunity.

Finally, Mr. Chairman, I recognize that there is in this body an abiding concern that some of the poverty programs may be contributing to the divisive tendencies in our society rather than those that tend to unite us. For all the good that this program has done—and it unquestionably has done a great deal of good—this is a legitimate matter of concern. Once again, however, it is not the result of lack of adequate statutory authority. The Director has asked for no additional powers and needs no additional powers to deal with this problem. He has recognized the problem, and he has expressed his commitment to deal with it—to make this a program that builds bridges rather than one that alienates the poor from the rest of society. I should hope that my colleagues on the other side would find it in problem, and he has expressed his commitment by this administration could be taken at face value. Let us give him the opportunity.

Mr. Chairman, 5 years ago we set out upon a dynamic and fundamentally different approach to solving the problems of the poor in this country. It was different because dared to say: "Let us let the poor people, the local communities, decide what they need to get out of poverty. And then let's use the resources of the Nation to help them."

That action was necessary because existing social and governmental agencies had not done the job previously. The agencies of the Federal Government had not done it, although the Federal programs had helped immeasurably. Certainly the States had not done anything of spectacular success in that field. The local communities and the poor themselves had not done it, because no one had ever before enlisted them in an overall, coordinated national policy effort.

It was a courageous action on the part of the Congress and on the incumbent administration 5 years ago. Although some progress has been achieved, much work remains to be done.

The administration has indicated that it has the courage to carry on the effort. I believe the same kind of courage resides in this House.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. FARBSTEIN. I am a little confused. I hope the gentleman can clarify a situation I am particularly and directly interested in, because I also would like to get clarification from the other side.

I am responsible for a program known as the family emergency loan program, which was inaugurated 4 years ago. It has been funded by the Office of Economic Opportunity and is in operation now and has proved highly successful.

I shall give the gentleman an idea, for a second, of what it has done.

I got a letter from a nurse in San Antonio, Tex., who could get a job in a hospital if she had $40 to buy a pair of space shoes. She went to the office of the family emergency loan program, borrowed $40, bought a pair of space shoes, got the job, and paid the money back.

I should like to know whether or not this program of which I speak—and there are other instances of similar loans made—will of necessity be referred to any State agency or any Governor before it can be continued or funded.

Mr. PERKINS. It certainly will. If there is a State plan submitted, your program may never see the light of day again. If the State plan does not incorporate your program, it will not be funded.

Mr. FARBSTEIN. I thank the gentleman very much.

The CHAIRMAN. The time yielded by the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself an additional 5 minutes.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. REID of New York. As one member of the minority I would like to thank the chairman for supporting the position of the President of the United States, at least as initially submitted. As the chairman will recall, the President on four occasions said that he was for a straight 2-year extension, without crippling amendments.

Mr. PERKINS. That is right.

Mr. REID of New York. The Director of the Office of Economic Opportunity has informed the President that the substitute is a crippling amendment. I see no difference between the second substitute and the first substitute in substance. The Director of Office of Economic Opportunity is not for the first or second substitute.

I thank the chairman for his support of the President.

Mr. PERKINS. Let me compliment the distinguished gentleman from New York for his remarks. I am hopeful that later this afternoon we will have support for the President of the United States and the Director of Office of Economic Opportunity.

I wish to say again that we conducted the most comprehensive hearings that have ever been conducted on the poverty program. Every Member of Congress who wanted to bring witnesses before the committee had that opportunity up until we closed the hearings on June 9.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Briefly.

Mr. SCHERLE. Will my chairman tell me in regard to those five volumes of hearings as to who the parties were that testified?

Mr. PERKINS. All right. I invite the Members of this House to look through the index of the five volumes of hearings. That will reveal that the committee heard testimony from a great variety of witnesses.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 additional minutes.

Mr. PERKINS. As I have said, the entire thrust of the substitute is to increase the involvement of the Governors in all antipoverty program. The new authority can only be interpreted as further limiting the prerogatives of local communities.

That is what it does. Now listen to this.

Without regard to the State plan, the Director may fund special emphasis programs out of the one-fourth reservation of title II funds. Or, if the Direc-

tor finds that the failure to fund would result in a substantial disruption in the State to eliminate poverty, he may independently fund.

Now to me this particularly provision indicates the greatest fallacy in the proposal. The Director may fund independently programs which are considered at the Federal level to have special significance. He may fund independently programs which have implications for the overall effort in the State to eliminate poverty.

But the Director may not independently fund individual community locally conceived and locally designed programs.

Let me ask the gentleman from Minnesota whether under this language there is any opting out provision so that a program of a local community may be independently funded?

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. The provision of the substitute permits the State to assume administrative responsibility presently held in the regional offices. Since there is no opting out from the regional office, there would be no opting out from that administrative responsibility handled by the State which would only go to him if he asked for a director to approve.

So as far as the opting out in the present act, it only occurs when the State decides to become a community action agency.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Under existing law the Governor has a veto over all community action programs.

Under the substitute however when there is a State plan it may wipe out programs at the local level. Where there is a State plan which nothing down does not provide for neighborhood service centers there will be no funds for such centers. The State will control the program.

Mr. QUIE. The problem you raise is a problem that existed in the 1967 amendments that you supported which permits under the act, a State to become a community action agency. We do not give them additional authority.

Mr. PERKINS. We provided an opting-out provision in 1965.

Mr. QUIE. No.

Mr. PERKINS. Yes; we did.

Mr. QUIE. Will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. You gave them an opting-out provision and that opting-out provision still exists. If a State chooses to be a community action program or agency, it is not removed.

The OEO program in a State may become a CAP agency. That is why none did. Some wanted to be and the OEO provided that they can do it.

We have not changed that language in the 1967 act that you supported, but rather they permitted the States that would desire to assume administrative responsibility that presently resides in the regional offices.

That is the extent to which that part of the substitute that you referred to applies.

Mr. PERKINS. Let me answer by stating to my distinguished colleague that the substitute supersedes and it usurps the prerogatives of the local communities. Under the 67 amendments, they had the authority to opt out and make their applications even though the State had elected to become a CAP.

Any local community that so desired—we stressed local control—had the right to opt out. But that has been effectively precluded if a State plan is submitted. We have completely destroyed the opting-out provision. The local communities are placed at the mercy—lock, stock, and barrel—of the Governors of the States.

Now you may say there is one exception—special emphasis—yes. And another exception is where the Director finds a disruption in the overall State effort to eliminate poverty.

Again you play into the hands of the State. Remember also that the State disburses the money and many local communities may be forced to abandon programs which they think have a high priority.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I wonder if the chairman could give us one single instance in the entire United States where any city or county or any local communiy action agency opted the power.

Mr. PERKINS. Let me say to my distinguished colleague, as she knows, there is no State that is now serving as a community action agency. According to the study which the representatives of the Governors presented to the committee, the States do not want to serve as community action agencies. We are trying to force something onto them. The right of the State to be a CAP has been in the law since 1967, as has been the Hawkins amendment that permitted local communities or local community action agencies to opt out in the event a State did take over.

Mrs. GREEN of Oregon. When you admit that no single community action agency in the entire United States during the last 2 years the law has been in effect has ever opted out, then you would also agree, would you not, that OEO acted outside the law when they issued a regulation that they would not recognize a State as a community action agency even though the 1967 law said that they could?

Mr. PERKINS. I will not agree that they have violated the law. I think the great majority of States in the country do not want to destroy local initiative, because they realize it would be a great mistake.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Is it not correct that we have been informed that since the adoption of the Hawkins amendment in 1967, in several States where they considered establishing a State plan they were informed in no uncertain terms that the major cities in those States would opt out of the program, and they would have opted out?.

Mr. PERKINS. That is true.

Mr. WILLIAM D. FORD. Also Arizona and some other States. In fact, the threat to opt out was what caused the State to realize that if they opted out, there would be no program for them to administer.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. HAYS. I am not too keen about turning the program over to the Governor of my State, but I would rather deal with him, if I had to, than I would some arrogant bureaucrat in Chicago who is running the program now, who tells me it is none of my business, to keep my nose out of it, that he is running it. He was never elected by anybody. He is responsible to nobody. But he is telling the people in my constituency what they have got to do and what they cannot do. If I have to choose between the Governor and this fellow, I will take the devil I know, rather than the devil I do not know.

Mr. PERKINS. Let me say to my distinguished friend from Ohio that mistakes of that type have been made over the country. There is no question about it.

Mr. Chairman, I am hopeful that the Members in this Chamber will not because of the overly publicized instances of abuse, turn their backs on the progress that has been made under this program. Clearly we are eliminating a lot of the waste in the program. I hope that the Members will not say, "We are going to turn the clock back." Forward is the direction we need to go.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. CLAY. Under the proposed bill, will the devil in Chicago be eliminated, or would we just substitute another devil?

Mr. PERKINS. I thank the gentleman for his contribution.

Mr. AYRES. Mr. Chairman, I yield myself as much time as I may consume.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Minnesota.

Mr. QUIE. I appreciate the gentleman's yielding, because I desire to point out to the Members that when the chairman says all the manpower programs under title I will have to go to the Governor for renewal, I should point out that is exactly what happens now under section 242. There is a necessity of the Governor's veto, and as far as the Job Corps is concerned, there are no overrides on the part of the Director.

Mr. AYRES. Mr. Chairman, we might turn back to the discussion of last Wednesday, December 3, when the gen-

tleman from Minnesota, the gentlewoman from Oregon, the gentleman speaking, and the gentleman from Wisconsin (Mr. STEIGER) took an hour each on special orders.

Members will find all that discussion in the RECORD for December 3. I do not see any reason, Mr. Chairman, for being repetitious today and going into all that which was stated at that time. If there are those of the committee who would like to refresh their memories, they can refer to the December 3 RECORD.

Mr. Chairman, I believe it behooves each and every one of us not to take his eyes off what was the original purpose of the poverty bill. I see present many members of the committee who were active in that discussion a little over 5 years ago.

At that time there were many of us who were somewhat doubtful as to whether $1 billion plus should be vested in a program without any plan as to how the money would be spent or what should be done to break the pockets of poverty in this country.

In my own personal opinion at that time—and it is still my opinion—the only way we are really going to break the pockets of poverty in the United States was to get a man a job.

Five years ago, as this program was started, it was supposed to be job oriented. That was the purpose, to help a man in poverty, unemployed, get a job.

It was argued on this floor at that time that the Job Corps was the proper way to do this. We experimented with the Job Corps for over 4 years. We found, in the final analysis, that it was not too practical to transfer young men and women from one section of the country to another in an effort to teach them something they could learn close to home.

We tried to make amendments to that.

Then in 1967, as Members will recall, there was considerable discussion as to what should be done with the Job Corps and also Headstart. The existing act was so drawn that by Executive order the Administrator could make great changes in the operation of the program.

During the course of the 1966 and 1968 campaigns a vast majority of the Members of the House, both Democrat and Republican, criticized the operation of the program.

In fact, on my side of the aisle we had a detailed publication as to just what had gone wrong with the war on poverty. And much of this criticism was aimed at what was not done, which in my judgment was the intent of the Congress after the 1967 amendments.

Mr. Chairman, my friend from Kentucky has just taken 44 minutes, and I enjoyed the discussion, because there have been so many differing opinions offered on this program. He stated the President's position and stated that he was supporting the President, and that the substitute was going to give the States complete authority over this program; and he implied by innuendo that he did not have confidence in the State governments or in the local governments.

But, Mr. Chairman, I know my friend will recall that he has reversed his position from 2 years ago, because in the debate found in the CONGRESSIONAL RECORD on page H15288, on November 15, 1967, this is what my able chairman said:

> Mr. Chairman, it is absolutely vital to the success of community action that duly-elected local officials play a leading role in the local programs. Such a role will be guaranteed under the provisions of the committee bill this amendment would delete.

And I see the charming gentlewoman from Oregon smiling as she should be.

Further reading the quote:

> We must reject this attempt to deny local and State officials their appropriate role in the war on poverty—

That is a very noble statement. That is exactly what we thought we were doing in 1967. But I can assure you by legislative action that will be done in the substitute bill which I hope will be adopted later this afternoon——

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Of course I yield to the gentleman who has changed his opinion.

Mr. PERKINS. First, let me state that I was a supporter from the beginning to the end of the Green amendment. In many sections of the country it has just commenced to go into effect. Your own Director of the Office of Economic Opportunity states he does not need any additional legislation to achieve better coordination with the States. We all believe in coordination, but we do not believe in letting States take over the functions and the innovative programs which properly belong at the local level. That was not contemplated in the Green amendment in 1967.

I am now taking the same position I took in 1967 in supporting the Hawkins amendment to permit any local government or community action agency to opt out of the State plan if the State did set up a State CAP. I want to clarify the record. Whether the mistake was made by the gentleman today or whether it was made when it was put in the RECORD, my stand is perfectly clear and if you will read the whole statement the gentleman cannot misunderstand it.

Mr. AYRES. The gentleman from Ohio has not misunderstood it. However, I shall be glad to accommodate the chairman, because it gets better:

> We must get the local governments more involved in this program. If we are going to have a constructive program and a program that is going to extend and survive the next 5 years and 10 years to serve the people in the ghettos and rural areas. To do so we must get the local governments involved more so than they have been in the past, for somewhere along the line we are going to have too much trouble in the enactment of this program in the future.

That is the position in which we find ourselves today.

Mr. PERKINS. That is a true statement and I stand by that statement.

Mr. AYRES. Now, you get a little better:

> In the language worked out in the committee for Sections 210 and 211 we simply provide that a Community Action agency shall be a State municipality or a local subdivision of that State or they may, if they wish, designate a private nonprofit agency or some other public agency to serve as the action agency. But in all instances we are going to help the poor.

I commend the gentleman on his sound stand and I am glad to inform him that the Council of State Governments in a special letter just released also agrees with him on his position in 1967.

This is what the Council of State Governments on December 5, 1969, had to say regarding poverty amendments:

> Debate has begun in the House on measures to extend the authorization for the Office of Economic Opportunity. Two measures are before the House: HR 12321, Committee on Education and Labor version for a simple two-year extension; and a bi-partison substitute to provide states the *option* of greater participation in administering their poverty programs. Voting is expected to begin before December 12.

And, that is true. This is not a Republican position or a Democratic position. This is a position of those who felt changes had to be made if we were going to help the poor, and as the letter states:

> A bi-partisan group of Congressmen, led by Reps. Ayres (Ohio), Green (Oregon), Quie (Minn.) and Giaimo (Conn.) have introduced the Ayres substitute bill. (copy attached) It would give states the opportunity to establish a broadly-representative State Economic Opportunity Council. If the Director of OEO approves the Council, it could develop a long range coordinated anti-poverty program in the state. This agency's program would also be subject to approval by the OEO Director. Such state involvement would be completely optional with the individual states.
>
> S. 3016, the Senate companion of the House Committee version would give Governors a line item veto over legal services programs in their states. There is no similar provision in the Ayres substitute.
>
> Hasty, early observations on the Ayres substitute has led to considerable misunderstanding of its aims. A staff analysis is attached, describing the measure and indicating that it would not violate the objectives of the OEO program, but rather generally would move toward the positive partnership role for state and local government in the anti-poverty program that has been sought by state officials for several years.
>
> Your views on the specific proposals in the Ayres substitute would be very helpful to your congressional delegation as it considers this measure. Because voting will begin very shortly, your immediate response is urgently requested. A copy to this office would be appreciated.

Mr. Chairman, when we go back into the House I shall ask unanimous consent for permission to insert the staff analysis on the OEO substitute bill.

The material referred to follows:

STAFF ANALYSIS OF OEO SUBSTITUTE BILL

The substitute bill for the Committee-reported OEO authorization will make the following major changes in the existing Economic Opportunity Act:

(1) *The State Economic Opportunity Offices would be strengthened in the following ways:*

(A) The Director of OEO is required to assist these offices in carrying out their role under the Act;

(B) All applications for community action programs and VISTA programs in a State would first go to the State Office for review and recommendations;

(C) If a State Office disapproved of an application the Director could fund it only upon his finding that the failure to conduct the project would seriously weaken the

overall program plan of a community action agency. (In the existing law, the Director may override a Governor's veto upon the finding merely that the proposed project is consistent with the Act).

(D) The State Office would be given a more effective role in assisting local community action programs, in coordinating such programs in the State, and of auditing and program evaluation.

(2) *It provides for a positive, affirmative role for the State through the implementation of a "State Developmental and Coordination Program" designed to focus all the resources of State government upon finding solutions to problems of poverty. The key elements of this program are as follows:*

(A) Any State wishing to participate would establish a State Economic Opportunity Council, broadly representative of the State and of the anti-poverty resources and agencies, which would identify the causes of poverty and develop a long-range plan for overcoming problems of poverty in the State, and would approve a State Developmental and Coordination Program consistent with such plan;

(B) The State Economic Opportunity Office would submit this Program to the Director of OEO for his approval;

(C) Upon approval of the Program by the Director, the State Office would become responsible for approving community action and VISTA programs within the State, for coordination of all programs relating to poverty and the needs of the poor, for providing technical assistance to local community action agencies, for assuring that an adequate system of fund accounting is carried out, and for relating anti-poverty programs to the long-range plan of the State Economic Opportunity Council;

(D) The Director of OEO would retain authority to assure that all programs conducted conform to the Act, that all the provisions of the State program are carried out, that funds are fairly distributed within each State according to criteria approved by the Director, and to terminate any State program which fails to meet the requirements of the Act.

(3) *Changes would be made in a number of provisions of the existing Act to assure a more orderly and effective administrative procedure, to conform practices to the intent of Congress, as expressed in previous legislation, and to address situations of poverty ignored under existing programs. Chief among these changes are:*

(A) The role of elected public officials in community action boards would be clarified and strengthened to conform with the intent of the 1967 amendments to the Act;

(B) New programs would be authorized to (i) combat the disease of alcoholism, (ii) assist families of members of the Armed Forces when, due to exceptional circumstances, they live in poverty, and (iii) assist persons over 65 years of age who must live on an income below the poverty level;

(C) Prohibitions on political activity and participation in riots by paid poverty workers would be tightened up, and a new prohibition against nepotism would be added to the Act;

(D) Program evaluation at the Federal level would be greatly strengthened through a continuing role for the Comptroller General;

(E) Situations involving conflicts of interest on the part of former employees of OEO would be strictly regulated;

(F) VISTA would be restructured so that the recruiting, selection, training, and assignment of "volunteers" would be done by State and local agencies under grants from the Director;

(G) VISTA personnel acting as attorneys would do so as a part of the legal Services programs; and

(H) The Legal Services program would be encouraged to be more responsible through a provision that would permit a court to award legal fees and costs to the winner of a lawsuit initiated by the Legal Services program.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I note that our distinguished colleague has laid great stress on the opting out provisions that were written into the law for a State plan, in 1967.

Now, under your substitute, where a State plan is submitted to the Director, and it is an overall State plan, is there any opting out provision for any local community, or local community action agency?

Mr. AYRES. I will say to the gentleman that under the substitute we are going along with what the Council of State Governments asked for before and we are giving the Administrator legislative authority, giving him the tools, the tools that he had been given under the 1967 amendments that they did not choose to use.

I would like to say to the chairman that insofar as trying to assume that these proposals that are being offered in the substitute today have something wrong with them—that they are not the same or identically the same as was in the December 3 proposed——

Mr. PERKINS. That is right.

Mr. AYRES. When the gentleman decided that the Congress should not work its will that week.

Let me read to the chairman——

Mr. PERKINS. Mr. Chairman, let me ask one further question——

Mr. AYRES. Mr. Chairman, I refuse to yield further at this point. I want to finish my statement.

Mr. Chairman, I think it is very important for the Committee to realize that it was through the suggestion of the President of the United States when he stated, in answer to a question:

I hope he is—

Meaning his Administrator—

able to work out with the leadership in the House—

And I might say that our minority leadership at that moment, of course, all of the leadership had signed the substitute on our side, and the President was aware of that, and he said:

I hope he is able to work out with the leadership in the House, most of whom are Republicans in this instance who want the changes, and some Democrats, and be able to work out some kind of accommodation with them. But, of course, I support my Director that I have appointed.

The President certainly should support the Director whom he has appointed.

After his statement at his press conference, I immediately called together the members of the minority of our committee, and there was a difference of opinion—and they will speak later this afternoon—and we were able to come to an agreement on accommodations that the President had asked for. And that is what we are offering here today, the substitute bill with the accommodations that have been arrived at by the minority members of the Committee on Education and Labor.

I feel, Mr. Chairman, that we have a substitute that is long overdue; that we have a substitute that gives the Administrator the tools that he needs to work with to truly help the poor. I feel at the present time that he will do a good job, because he is a fine gentleman and he is an able gentleman, but I do not believe that the Administrator realized, any more than I would have realized, that in taking that job that he had a built-in constituency that would be very, very difficult to work with.

We are giving him the tools to change the program, to correct the program, and also change some of the constituency.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me briefly at that point?

Mr. AYRES. I have consumed all of my time.

The CHAIRMAN. The gentleman from Ohio has consumed 18 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished gentlewoman from Oregon (Mrs. GREEN) 15 minutes.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, I have continuously supported the OEO programs and I am not one who favors doing away with the OEO offices or programs.

But if the administration of the OEO programs is not improved, and if abuses are not corrected, then I may well join those in 1971 who feel we have to take another course.

May I also say to the friends of the OEO programs that the best insurance in the world for the continuation of the OEO in 1971 and in 1972 and 1973 is the correction of abuses that now exist.

The bill which was brought out by the committee provided for a straight 2-year extension; without one single change in the law, in terms of administration, in terms of structure, in terms of the accountability of funds, in terms of abuses, in terms of violence and the training of revolutionaries, in terms of political activities—in all of these areas—not a single change.

The only change that was made was one which added additional funds to the administration request.

It seems to me that is not the way we are going to have a continuation of a healthy war on poverty in this country.

The chairman has made some statements. He has stated that Jim Martin—representing the Governors' conference—was opposed to this substitute and opposed to any legislative changes.

The distinguished ranking Member on the Republican side read a statement that was published by Jim Martin, giving his endorsement to the substitute. Moreover, let me insert just a few excerpts from Mr. Martin on behalf of the National Governors' Conference. The complaints made certainly indicate that strengthening legislation from this Congress is in order:

Past experience reveals that the State Economic Opportunity Office (SEOO) has had little authority, little administrative control and no meaningful role in the financing and evaluation of local projects. The Governor's

veto, although better than total bypassing, is a negative role. The Governors much prefer a positive partnership role to help develop statewide programs, but with appropriate administrative authority. If the State's role is not expanded in a positive manner, then the Governor's veto should be extended to all sections of the act.

The States have had no say-so in the allocation of OEO funds within the State because OEO has preferred a project-by-project approach rather than a coordinated state program based on Federal guidelines and appropriate measures of need.

The States have made specific recommendations for more State participation in the planning, coordination and administration of the OEO programs. Most, if not all, of these expanded State responsibilities are now authorized in the OEO act. There are over 15 specific sections of the act that provide for a State role. The states feel that OEO personnel have never encouraged the implementation of these sections of the act.

Several states suggested that OEO programs become the social development arm of State designated multijurisdictional regional planning agencies.

The States seek a greater role with the Federal Government in administration of OEO. More funds should be allocated to the State agency for program development, especially for coordination, training, technical assistance, and special services such as health, legal aid, manpower development, housing and migrant programs.

The State should participate in the allocation and approval of funds distributed within the State. OEO should use State and local personnel to administer the program rather than building up OEO employees in the regional and field offices.

The recommendations of the States concerning the OEO programs are all positive. No state even suggests that the programs be abandoned, none suggests that the States "take over" the program and those States that desire to administer the program agree that Federal guidelines to protect the interests and participation of the poor, State financial assistance, and State planning and coordination machinery are prerequisites to State administration.

The testimony and the hearings were very enlightening in terms of the recommendations that the Governors' conference itself made for changes in the programs.

May I say in all good humor to my chairman, that I am intrigued by the argument that we must not make any changes in the program because the President and the Director of the OEO have recommended that none be made.

I am intrigued because the chairman will recall 2 years ago when he sat in my office, when he knew he did not have the votes on the floor of the House, and with other Members who are in this Chamber today—that he and I and others worked out amendments that were opposed by the President and by the Director of the OEO at that time.

So it is interesting that this is an argument against the substitute at this moment.

The chairman also said the substitute bill would completely destroy local community action agencies. After the 1967 amendments were passed which provided that a State or political subdivision of a State can be designated as a community action agency, the first thing OEO did, and the record will show it, was to say that they would not designate a State. Examples may be cited in the States of Arizona and Arkansas. There were nine States that were interested in being designated as CAP agencies.

The OEO in effect, said, "We do not care about the law. We have decided we will not designate a State. We will give preference to cities."

If the OEO had followed the law in 1967, 1968, 1969—then some of the reasons for this substitute would not be so urgent today.

The second thing they did was to say that they would not designate any city with a population under 250,000 people. Most of the cities in the United States are under 250,000 in population. By regulation—they rewrote the law. Certainly there was no population figure set when Congress passed that bill by majority vote.

That destroyed the possibility of any local control in most of the cities of the country. How could you be more effective in destroying off local control of the program? And today we hear shouted over and over: "If you give the State the right and opportunity to coordinate programs and help develop plans, all local control will be destroyed."

The third thing OEO said was they would not designate a county with a population of under 50,000 people—even though the law says:

> A state or a political subdivision of a state can be designated as a Community Action Agency.

It has also been said by the chairman, and I think the record should be clear on this, that the substitute bill would be disastrous because every manpower program would go under a State plan.

Mr. Chairman, if there is any virtue in not touching a single manpower program, then I heartily recommend the substitute bill because the fact is the substitute bill does not touch title 1(b) of the OEO program and it does not touch the manpower training on job programs. I challenge you. Look at the bill. See for yourself.

But the committee bill indeed does touch upon job training programs—Mainstream—and simply provides additional funds for it even though every member of the committee knows that all the manpower training programs are being reviewed with the hope of reorganizing and coordinating under the Department of Labor.

I also hope when the bill is being considered under the 5-minute rule that the question asked by the gentleman from New York could be clarified. I do not want to take the time now, but the instances that were cited are not touched by the substitute bill. There is absolutely no change.

Then it has also been said that if we have a State plan, it really would be sad for the cities and these local districts because people would have to go hundreds of miles to the State capital to get their plans approved.

The fact is that right now my city of Portland, Oreg., has to go 750 miles to San Francisco to see if they can get it approved. Whereas, if the substitute bill were in effect, they would only have to go 50 miles to the State capital.

The gentleman from Ohio was absolutely right. People today, who complain against the possibility of a State veto, are the very ones who defend, and who want the regional offices to have the absolute veto power and absolute control over the program. Why an appointed czar in a regional office is to have our unlimited love and trust and the Governors elected by a majority vote are to be slandered is beyond my comprehension. But today—the way the law is being administered officials in every city and every town must go with hat in hand to the regional offices. If the appointed official at the regional office does not like it, they can reject it, and they do not base their decision on the law. We have had them come to Portland from the regional office. As I said the other day, we had 50 problems before the regional czar came into Portland. But by the time he left we had 100 problems.

This kind of person comes in and does not even cite the law. He says, I "feel" that you really should do it in some other way. His word becomes law and local control is absolutely destroyed.

Mr. Chairman, there have been lots of complaints about OEO. Every single Member in this Chamber knows them—the high administrative costs, the poverty specialists that are taking the funds that were meant for the poor, the corruption that has occurred in the program, the freewheeling activities of the VISTA people in place after place. Many colleagues on my side of the aisle have complained about the way the OEO has operated. I do not know how many Members on the Democratic side of the aisle have come to me in the course of the last 2 years and complained about the administration of the CAP program. Many of you have pleaded: "Can't something be done?"

It has been argued that we have a new Director; therefore we should give him a chance and we should not change the law. I pay my respects to Mr. Rumsfeld. I think he has an extremely difficult job and I wish him well. I hope he is able to correct the wrongs in the program. But a few years ago a gentleman who was the majority leader in the Senate and who later became President of the United States—and I refer to President Johnson—said when he was in the Senate:

> Legislation should not be examined in the light of benefits it will convey if properly administered but by wrongs it would cause if improperly administered.

I suggest to my friends that the responsibility of this House is to draft legislation not in the light of what would happen if it is properly administered but in the light of what has happened during the last 5 years when it has been improperly administered.

I suggested that few would argue that there have not been more scandals, more waste of money in this program than any other, and the committee, in spite of all the wrongs, voted out this 2-year extension with no changes. That is the reason why we have the bipartisan substitute bill. It was not the intention, as I understood this legislation in its original form—and I was on the committee at that time—to create shadow governments, autonomous units with the luxury of millions to spend and none of the

responsibility of raising the money. It was not the original intent of this legislation to legislate a revolution in American politics by establishing another level of government not subject to the elective process.

May I quote one of the most liberal leaders in the OEO program, Mitchell Sveridoff of New York. In November 1967 he said—and he had been a great defender of OEO—

It is a hell of a way to run a public program. It's unhealthy. What it does is to inform people that the way to get some money is to have a riot or threaten one.

Mr. Chairman, in 1967, when the distinguished chairman of our committee, the gentleman from Kentucky, and I, with other Members who are in this body, most of them not on the committee, when we developed those amendments, the opponents—and the chairman will remember this very well and every single person who is here today and who was here in 1967 remembers the argument—the opponents of any change in OEO at that time tried to defeat the amendment to title II, the amendment I offered, by crying, "This is a take-over by city hall. Do not trust city hall." Do you remember those arguments? "Do not trust city hall."

This year they are crying, "Do not trust Governors. Do not allow the Governor to take over a program. Do not allow the Governor to have any say in coordinating these multitudinous programs at the State level.

I can only say what a tragedy it will be if the war on poverty continues to be perverted to an attack on local government or State government as though they were the cause or even held the cure for the problem. But consistently the opponents of any change are willing to place absolute veto power, in the appointed officials at the regional office.

The Office of Economic Opportunity, by its actions against elected officials in our cities and States and by its creation of a network of regional czars not accountable to the votes of any body politic, has seriously damaged the perfecting nature of our own democracy. OEO has had its own scandals, OEO has had frauds, OEO has had waste and misbehavior, but it has not been held accountable for them. The Office of Economic Opportnuity has moved against elected State governments on two major fronts, first the political and then the economic. In section 231 of the Economic Opportunity Act the Director of OEO is authorized to provide technical assistance to the States so that they can help the local community action agencies, but in the entire history of this Act the OEO has only given $36 million to all 50 States for technical assistance, even though the law directs them to do so. But to private corporations, the poverty specialists, the people who are looting the funds that were meant for the poor—to those people they have given $103 million in technical assistance alone.

In addition to that, Mr. Chairman, the Record clearly shows that for evaluation programs $31 million has been spent, and for support contracts over a half billion dollars has been spent. I am not including operational expenses such as Job Corps.

Worst of all, the Office of Economic Opportunity has also continued the same cry we have heard by the opponents of change, the ones who will benefit most by the status quo. The OEO itself and the OEO employees are saying, "You cannot trust the State government. The elected officials cannot be trusted. The State cannot be trusted." They repeat this over and over to their constituents.

"But, somehow, these regional, appointed people are to be trusted." How interesting.

Mr. Chairman, I believe it would be very, very sad if the Members of this Congress, every one of us elected by popular vote, were to join this hue and cry that somehow we are not to trust elected officials, that somehow this year we are not to trust Governors, that somehow in 1967 we were not to trust City Hall.

May I, Mr. Chairman, quote the very distinguished Speaker of this House, the gentleman from Massachusetts (Mr. McCormack). I thought he made an eloquent statement in 1967 when the bill was before us, and he was supporting the bill which the chairman and I both supported, which allowed a State to become a CAA.

The distinguished Speaker said:

I might say that only the other day Governor Volpe, who is personal friend of mine and whom I like very much—I wish he were a Democrat—issued a proclamation. I call this to the attention of all the Members of the House.

Without reading it in full, the Speaker quoted Governor Volpe as follows:

Government has a basic responsibility for the economic well-being of all citizens in this State and Nation, and the State has the unique potential to effect necessary changes through cooperation with and coordination and utilization of the resources of the Federal and local governments as well as the private sector.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mrs. GREEN of Oregon. May I have 5 additional minutes?

Mr. PERKINS. Mr. Chairman, let me say to the distinguished gentlewoman——

The CHAIRMAN. Does the gentleman from Kentucky yield time to the gentlewoman from Oregon?

Mr. PERKINS. I say this in all sincerity. I have made arrangements to try to borrow some time from our minority friends, because we have overpromised our time.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. RIVERS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from South Carolina.

Mr. RIVERS. Would it be possible that some of these militant organizations could have gotten OEO funds?

Mrs. GREEN of Oregon. I do not believe there is any doubt about it.

The record is clear that they financed the Blackstone Rangers in Chicago.

The gentleman from Cleveland complained last year, I believe, there was financing of a Black Panther group in Cleveland, and then following there was a shootout.

I believe there are many examples.

Mr. Chairman, if I may turn to one other point, today in this debate we are trying to say, "Do not trust the Governors. They will destroy the local unit. You must not have a State plan for OEO."

Mr. Chairman, I just want to list the number of bills that have come out of the House Committee on Education and Labor under the leadership of the distinguished chairman, the gentleman from Kentucky, that have State plans.

ESEA, title I; a State plan.

ESEA, title II; a State plan.

Title III; we made a State plan in the amendments of 1967.

The National Defense Education Act; a State plan.

NDEA; a State plan.

The National Foundation on the Arts and Humanities; a State plan.

The Higher Education Act, Community Services; a State plan.

The Higher Education Act, Financial Assistance for the Improvement of Undergraduate Instruction; a State plan.

I have three pages listing the bills that came out of this committee in which in every instance we had a State plan.

Why in all these cases do we trust the State government, do we say it would be better to have a State plan, but somehow today, on OEO, we would simply destroy everything if we have a State plan?

At this point let me insert an exact compilation of instances in which legislation designed by the Committee on Education and Labor has provided for State coordinated programs:

FEDERAL EDUCATION PROGRAMS WHICH REQUIRE STATE PLANS

Page 18, ESEA of 1965, Title I, Sec. 105.

Page 33, ESEA of 1965, Title II, Sec. 203.

Page 39, ESEA of 1965, Title III, Sec. 304—A grant under this section may be made to local educational agency either "pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project. . . ."

Page 49, ESEA of 1965, Title V, Sec. 503 (to strengthen State Departments of Education).

Page 92, School Construction in Areas Affected by Federal Activities (81–815, Sec. 6.

Page 115, National Defense Education Act, Title III—Part A—Financial Assistance for strengthening instruction in Science, Foreign Languages, etc., Sec. 303.

Page 120, NDEA, Title V—Guidance, Counseling & Testing, Sec. 503.

Page 129, National Foundation on the Arts & Humanities, Sec. 12.

Page 143, Higher Education Act, Title I—Community Service & Continuing Education Programs, Sec. 105.

Page 214, Higher Education Act, Financial Assistance for the Improvement of Undergraduate Instruction—Title VI, Sec. 603.

Page 239, Higher Education Facilities Act, Title I—Grants for Construction of Undergraduate Academic Facilities, Sec. 105.

Page 299, Higher Education Act, Title V–B—Teacher Corps, Sec. 513—for purposes of training and assignment, State education agency must be involved.

Page 304, Higher Education Act, Title V–B—Attracting & Qualifying Teachers to Meet Critical Teacher Shortages, Sec. 520.

Page 309, Higher Education Act, Title V–D—Improving Training Opportunities for Personnel Serving in Programs of Education Other than Higher Education, Sec. 531—may make contracts or grants with higher ed, institution and State educational agency and local educational agency with approval of State educational agency.

Page 328, Vocational Education Act of 1963, Title I—Part B—State Grants, Sec. 122.

Page 337, Vocational Education Act of 1963, Title I—Part D—Exemplary Programs & Projects, Sec. 142.

Page 339, Vocational Education Act of 1963, Title I—Part E—Residential Vocational Education, Sec. 151—to "State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions. . . ."

Page 342, Vocational Education Act of 1963, Title I—Part F—Consumer and Homemaking Education, Sec. 161.

Page 344, Vocational Education Act of 1963, Title I—Part G—Cooperative Vocational Education Programs, Sec. 173.

Page 346, Vocational Education Act of 1963, Title I—Part H—Work-study Programs for Vocational Ed students, Sec. 181.

Page 348, Vocational Education Act of 1963, Curriculum Development in Vocational & Technical Education, Sec. 191—State agencies must be consulted in making grants or contracts to "colleges or universities, State boards, and other public or nonprofit private agencies and institutions . . ."

Page 377, Library Services & Construction Act, Public Library Services, Sec. 101.

Page 380, Library Services & Construction Act, Public Library Construction, Sec. 203.

Page 381, Library Services & Construction Act, Inter-Library Cooperation, Sec. 301.

Page 383, Library Services & Construction Act, Specialized State Library Service, Sec. 401.

Page 426, ESEA Amendments of 1966, Adult Education—Title III—Sec. 304–306.

Page 480, ESEA—Title VI—Handicapped Children, Sec. 603–604.

Page 515, Appalachian Regional Development Act, Statement of Purpose, "The States will be responsible for recommending local and State projects, within their borders, which will receive assistance under this Act."

Now, Members who serve on other committees do not steer away from a State plan.

Let me suggest that in the Omnibus Crime Control Act there is a State plan; the comprehensive health plan program is a State plan; the Water Pollution Control Act is a State plan; land and water conservation fund is a State plan; the Hill-Burton program is a State plan; the highway program is a State plan. And, incidentally, 26 States have created an office of community affairs and every Governor has appointed at least one person in a similar assignment.

Then, Mr. Chairman, in the extracts from the Water Pollution Control Act of 1966, "it is declared to be the policy of Congress to recognize, preserve, and protect the primary responsibility and rights of the States who have this type of program" and that is, a State plan.

We have State plans in all these programs, and I have never heard the cry on this floor that somehow you must not institute them because you cannot trust the elected Governors of the States.

Mr. Chairman, I think the substitute bill in terms of State coordination is the direction in which we should be moving. I hope we are moving to correct a lot of the abuses.

Now, Mr. Chairman, let me turn, if I may, to a couple of other things which I would like to call the attention of the members of the committee.

With reference to technical assistance, I have already referred to the fact that the OEO has refused to give the States more than $36 million while it has given private corporations $103 million.

Now, in terms of corporations that have sprung up all over the country, I think it might be interesting to the Members of the House who have received telegrams and letters as a result of the delay last week which was made in order to get this tremendous lobby pressure moving to cite some of the corporations which might have had something to do with the lobbying and with the letters and telegrams which you may have received. For example, I take the operations of Daniel Yankelovich, whose firm received $1,137,000 to conduct a study. We gave to Litton Industries during the past 5 years $54 million. A part of this was for Job Corps but a good part was for other purposes—expenses.

We gave to the National Student Association $444,822, and I am sure the gentleman from Pennsylvania (Mr. GOODLING) is going to discuss that later on.

We also gave Walt Disney $150,000, 20th Century Fox $100,000, another firm $100,000, and so on.

We have given to Lou Harris for the studies he has made $495,000. We have given to the National Education Association in contracts $3,102,000. There is included the AFL–CIO Appalachian Council almost $1 million, $998,000; the painters, decorators, and paperhanger organization, $179,000; the Council of Southern Mountains, $111,000; the Educational Association $2.5 million and $2 million for educational projects.

This is the reason we have an amendment to make some sense out of all the contracts. We have a provision that says that before any final contracts can be entered into they must be filed in the General Accounting Office. Thus I would hope this would bring some orderly procedure to what is now unexplainable.

May I say, Mr. Chairman, that in my opinion there has been a real conflict of interest. There is one Leo Kramer who was employed by OEO on a full-time consultant basis from February 1, 1965, to January 22, 1966, to the rate of $90 a day. Since then he has organized his own firm, Leo Kramer, Inc. From 1967 to 1969 Mr. Kramer obtained nine OEO contracts totalling nearly $2 million. Seven of the contracts were out of the VISTA program office where he was formerly employed. Six of the seven contracts were awarded on a sole-source basis without any competition. On the other contract OEO sent out six requests for proposals on April 26, 1968. By the deadline date May 6, 11 days later, two proposals were received, one from Leo Kramer for $600,664, and one from Policy Management Systems for $885,934.

However, Policy Management Systems, headed by Gary Price, also a former employee of OEO in the VISTA program, subsequently withdrew its proposal. Then we find that the contract to Leo Kramer for $600,664 was increased to $1,014,216 on May 20, which was interestingly enough, the same date that Policy Management Systems dropped out. It may be of further interest to my colleagues to note that Policy Management Systems received three sole-source contracts during the next 5 weeks that totaled 632,247.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Chairman, I thank the gentlewoman for yielding, and I would say to the gentlewoman that it would be interesting to this Member, and I believe to other Members, to learn if the gentlewoman has information as to just what Mr. Leo Kramer Associates did with this money. Not only what they did with it, but what they were supposed to do with it when the contracts were entered into.

Could the gentlewoman inform the House as to that?

Mrs. GREEN of Oregon. I think that one of the most difficult things at the present time is to find out the results of the contracts, and the evaluations. There just simply is no way. I think most of the studies are gathering dust, are not being utilized, or are worthless.

In addition to this, the figures which I have cited do not contain an explanation of the contracts—made within the States—my local CAP's.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. AYRES. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, in addition to this may I say that I will place in the RECORD information about contracts awarded to Policy Management Systems, Inc., headed by Gary Price, who was an official of VISTA's Office of Selection and Training at the time Leo Kramer was an Associate Director at that office.

Policy Management Systems has received five OEO contracts totaling $2,493,857. Of these, three are VISTA contracts and two are CAP contracts. It should be noted that VISTA contract B 89–4417 was initially awarded to Policy Management Systems on April 3, 1968, for the amount of $300,319. During the period May 7, 1968, to November 7, 1969, the contract was modified nine times increasing the amount by a total of $1,422,876—from $300,319 to $1,723,195.

Mr. LANDRUM. Mr. Chairman, if the gentlewoman will yield further:

In response to the question posed by the gentleman from Georgia, I would gather the gentlewoman is saying to the House in a nice sort of way that Leo Kramer Associates did nothing with the money insofar as reaching the poor people that this program is intended to reach?

Mrs. GREEN of Oregon. Well, none of the money went to the poor people. This is true time after time. We have spent millions and millions of dollars that go to the poverty specialists and brand new corporations as well as old who have a

good thing going. Of course they do not want us to make any changes. But the money is not reaching the poor.

Mr. Chairman, there are other examples of contracts that have been given to people who were former OEO employees, people who were responsible for the administration of the program, who left the OEO to set up their own private corporations, and then received money to evaluate the programs that they formerly administered.

One of the most interesting is the case of Mr. Leveo Sanchez, OEO's Mid-Atlantic regional director from early in calendar year 1967 to September 6, 1968, at which time he resigned.

In July 1968, Leveo Sanchez formed a corporation named Hispanic-American Community Development Corp. The principal officers of Hispanic, which was a subsidiary of Cole, Sanchez & Associates, are Leveo Sanchez, president; David Trevino, vice president; J. Homer Garza, secretary; and Peter Davis, treasurer. All of Hispanic's officers had prior experience with OEO programs, either as direct OEO employees or as employees of OEO funded community action programs. Mr. Davis was an employee in the Mid-Atlantic region from 1966 until his resignation on September 13, 1968. During Mr. Davis' employment with OEO's Mid-Atlantic regional office, he held the positions of special assistant to the regional director and acting deputy CAP regional administrator. In this latter position, Mr. Davis was responsible for assisting in the development of the first regional CAA evaluation system. Following Mr. Davis' resignation, he was employed by Cole, Sanchez & Associates as project director for two contracts, both of which involved performing evaluation services for CAA's in OEO's Mid-Atlantic regional area.

Mr. Sanchez resigned from OEO, as I said, on September 6, 1968. In July he had formed the Hispanic-American Community Development Corp. He was also a partner in Cole, Sanchez & Associates. Although I do not have the date of incorporation for Cole, Sanchez & Associates, its application to be added to OEO's bidders list is dated October 3, 1968.

Both Cole, Sanchez & Associates and the Hispanic-American Community Development Corp. received OEO contracts for evaluation and technical assistance for planning and developing programs.

These instances are just some of the countless examples, Mr. Chairman, where the money has not gone to the people for whom it was intended.

The purposes of the program have been subverted. If we do not take action on the floor of this House today to correct some of these many, many abuses, I think we will deserve the criticism of the American people.

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the legislation reported out by the committee, and requested by the President, and oppose any substitute that will be subsequently offered.

Mr. Chairman, I wish to include a statement made by a very distinguished mayor of this country, the most capable municipal administrator in America, Richard J. Daley, mayor of Chicago, who on December 9, 1969, made the following statement—and this is coming from a man who has, I think all in the House would agree, opposed many of the things that have gone on under OEO; one who has been the supporter of measures to improve the OEO, and who has himself frequently been the victim of many things that the gentlewoman from Oregon has just discussed here in her previous statement. And yet on December 9, the mayor of Chicago said as follows:

> The proposed substitute bill, which would for all practical purposes turn the Economic Opportunity Program over to the states would adversely affect the program to help the disadvantaged for many reasons.

And, Mr. Chairman, I hope I can have the attention of the Members of the House because I think this statement by Mayor Daley is very important. This is important to those of you who honestly want to do something about the OEO. Mayor Daley states:

> 1. For the most part, the OEO programs are concerned with city residents, and the responsibilities and the judgments should be centered where the people live. To move this responsibility to the State Capitol, in many instances hundreds of miles away, where the problems may be remote and where there is no first-hand knowledge, would only cripple the programs. Even in the rural areas the responsibilities of the program should be centered in the community.
>
> 2. The substitute bill would defeat the highest priority that has been given to the principle that community groups should have direct access to decisionmaking and which permits their participation in such decisions.
>
> 3. The substitute bill would introduce another level of bureaucracy in an area where every attempt is being made to reduce red tape and to centralize action in the communities—

Mr. Chairman, this is very important. It addresses itself to the very things the gentlewoman from Oregon has just talked about—

> 4. Many of the poverty programs are extensions of city services—health, housing, sanitation and others. The substitute bill would bring outside intervention into regular services of municipalities.
>
> 5. The substitute bill envisions a substantial revamping in the administration of the OEO that certainly should have full public hearings and testimony.

Mr. Chairman, I need not apologize to anyone in this Chamber, having been perhaps one of the earliest critics of this program. This House ought to be made aware of the fact that in 1967 practically alone in my committee, I urged major changes in the OEO programs. I was one of those who persuaded the gentlewoman from Oregon to sponsor the 1967 amendments which are known as the Green amendments. I make no apology for my criticism of this program because it has helped strengthen the program. I have been time and again in the forefront in calling attention to the shortcomings of the program.

I have asked the General Accounting Office to make a number of investigations and the gentlewoman has access to the same investigations that I have.

Every Member of this Congress has the right to ask the General Accounting Office for a report and investigation of any program in the OEO now.

But I am concerned about what Mayor Daley said in his point 4 because I think this gets to the very heart of the issue.

Giving this program to the States, it means every single little community and every single city in this country will have to go hat in hand to the Governor to try to get the program going for his community.

My distinguished colleague, the gentleman from Minnesota, in an earlier colloquy that I had with him last week said that there is, in this bill, an opting out provision for the cities. I would like to say to the gentleman, if I may, and I will yield to the gentleman from Minnesota (Mr. QUIE), if the gentleman can show me where in this substitute there is an opt-out provision for the cities. The gentleman talks about 210(e) but that provides that if a city opts out it totally and completely abandons its programs. When it opts out under this section, there is no more antipoverty program in your city.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PUCINSKI) has expired.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. PUCINSKI) 1 additional minute, since we have so many other Members who need time.

Mr. PUCINSKI. Since I only have 1 additional minute, I honestly will not have the time to yield, but I hope the gentleman will answer this question on his own time.

I submit to the Members of this House that any suggestion that there is an opting out provision for any city in this country under the substitute bill is to torture the truth and make a stranger of the facts. There is no opt out—no matter how they twist it around. You cannot put every single city in your state under the control of the state house and then incorporate the city services into the state operation. As Mayor Daley said in his point 4, many of the poverty programs are an extension of city services such as health, housing, sanitation and otherwise, and if the State takes over the program, the State must pay for those services now being paid for on the cities from their own resources. Nobody has told us here what this will cost the States or the Federal Government.

If a State has to carry on these programs all within its resources, the gentlewoman has carefully avoided telling us how much it would cost. They have kept you completely in the dark on this program.

Finally, Mr. Chairman, I believe we should keep in mind that President Nixon and his OEO Director, Donald Rumsfeld, have both asked a straight continuance for 2 years.

I know Mr. Rumsfeld and I believe we should give him an opportunity to restructure the program. I'm willing to take my chances on Don Rumsfeld to make this war on poverty work.

I hope the substitute will be defeated. A vote for the substitute is a vote of no

confidence in President Nixon and his OEO Director Don Rumsfeld.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. REID), and if the gentleman from New York (Mr. REID) will yield to me, I will answer the gentleman from Illinois.

The CHAIRMAN. The gentleman from New York (Mr. REID) is recognized for 5 minutes.

Mr. REID of New York. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, if the gentleman from Illinois would look at his complication on page 549 which is section 210(e)— there is provision for opting out:

No political subdivision of a State shall be included in the community action program of a community action agency designated under section 210(a)—

Which is the provision for a State to become a community action agency—

if the elected or duly appointed governing officials of such political subdivision do not wish to be so included.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. PUCINSKI. If what the gentleman has said is correct, then how do you reconcile the fact that in your substitute bill—and you persuade all the Membership, and the gentlelady just gave a big speech over here—how do you propose you are going to clean up this program, putting it in the States, if you say there is a continuing opt-out provision? How would you explain that?

Mr. QUIE. The opt out stands to be used if the State chooses to become a community action agency. I said that on December 3d. I say it now. That is in the law. The substitute provides that the State, if the provisions are acceptable to the Director, can assume many responsibilities presently assumed by the regional office. Since no State or local community can opt out of the regional office, naturally you will not be able to opt out of the State office.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the chairman of the committee.

Mr. PERKINS. The distinguished gentleman from Minnesota, I believe, would not undertake to mislead this House. Under the set of circumstances referred to, that section of the law applies to instances in which there is no State plan. But in the substitute, where you have a State plan, there is no opting out provision. I stand on that statement, and if I am not correct, show us in the bill where I am incorrect. We stand on the provison that where there is a State plan there is no opting out of that plan by a local community. If the program of a community is not a part of the State plan then there is no way to fund it.

Mr. QUIE. If the gentleman will yield further, I will say again to the chairman—and I hope he will listen at this time—in section 210(e) there is a provision for opting out. The substitute does not require the State to become a community action agency, and I say again the only thing the substitute does is to permit the State to assume some administrative responsibllity prsently in the hands of the regional office if the Director permits them to do so.

Mr. PERKINS. Let us clarify this. A community can opt out if the State has no plan. Is that correct?

Mr. QUIE. The community can opt out if the State becomes a community action agency.

Mr. PERKINS. Now, where the State has a plan and a community opts out, where are they going to get funds for their program?

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. REID of New York. I yield to the gentleman from Minnesota.

Mr. QUIE. If the State becomes a community action agency, with or without a State plan, the community that wants to have a community action agency of its own can opt out under section 210(e) either way.

Mr. PUCINSKI. Mr. Chairman, will the gentleman from New York yield?

Mr. QUIE. In either case, if the State has a plan, which I call a developmental and coordination plan, they will have to go through the State for their money, just as now they must go to the regional office.

Mr. PERKINS. If they opt out of the plan, where does the money come from?

Mr. REID of New York. I have yielded to the gentleman from Minnesota. He has the time to answer at this point.

Mr. QUIE. Under the present situation, all the communities get their money through the regional office. Under the substitute provision, if the State assumes that administrative responsibility of the regional office, with the support of the Director, they will get their money from the State office.

Mr. GROSS. Mr. Chairman, will the gentleman yield at this point for an observation?

Mr. REID of New York. I yield briefly to the gentleman from Iowa.

Mr. GROSS. I have been intrigued by all this "opting out." I suggest that we "cop out" of the whole program.

Mr. REID of New York. Mr. Chairman, I think the gentleman from New York has never been more eloquent than when he did not open his mouth in the first 5 minutes. But I do crave the indulgence of the House for a few minutes to make a brief statement.

First, as all Members know, I have great respect for AL QUIE and BILL AYRES, the authors of this substitute. AL QUIE for a long time has favored a State plan approach. He has favored State control. This is not a new provision for AL. It is totally consistent with his position for some time.

In my judgment, however, the premise is incorrect. The premise is wrong. I think we have today a debate between the federalists and the antifederalists, between those who believe there is yet a role for the Federal Government in the poverty program and those who believe in turning it over almost lock, stock, and barrel to the States.

I should like first to point out the President's position as he initially enunciated it. He said, on October 11, and I quote, that he "favors a 2-year extension of the existing legislation without crippling amendments."

It is my understanding that the Director of OEO, Mr. Rumsfeld, has informed the White House that he considered the first substitute and the second substitute to be crippling amendments. I read from a statement of his today which says specifically:

I appreciate the intensive efforts that have been made by many friends of the agency to ameliorate the most objectionable features of the proposed substitute bill. Unfortunately, the end result of that effort has fallen short of what is necessary for an effective program.

While several changes have been made in the substitute bill, the fact remains, by the testimony of the principal author, that they do not "change the substance of the substitute." I agree with that assessment. For that reason it remains my hope that the substitute bill will be defeated.

In my judgment as well, the second substitute does not represent a significant change. It continues to be a crippling amendment and it continues to turn over the programs essentially to the States.

I would say to the Members that there are still States in this Union that are institutions in need of change. The States are frequently indifferent to poverty. They frequently have shown lack of commitment. They have shown lack of technical expertise. They have in the main failed to show a capacity to act.

I would quote very briefly to the Members from a report of the Washington research project of the Southern Center for Studies in Public Policy and the NAACP legal defense and educational fund which says that title I of ESEA is not helping poor children. On one point the report concludes that "millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities."

This is a vote of lack of confidence in State and local authorities in the area of education, and I think that uncertainty can be extended to the general area of State concern for the poor and the disadvantaged.

Some of the specifics in the substitute I believe should be clearly understood.

First, as to procedure, under present procedure a community action agency submits a plan to the regional OEO and then to the Washington OEO and in turn it goes back to the Governor of the State. Under the proposed substitute, the original local plan would go first to the State capital, where it would be a part of the entire State plan and it would—if the State approves—be referred by the State to Washington. This is a very different concept in terms of procedure. I believe it would largely vitiate the Federal role. I believe it would deprive the poor in local communities and the cities of an opportunity for meaningful participation in their own futures.

As a second point, VISTA would no longer continue to exist in its present form. It would no longer be a Federal program. VISTA would be set up sepa-

rately in each separate State, if indeed it could be set up.

I would remind the House of President Nixon's comments on VISTA in his August 11 statement. He said:

Some proven programs which are national in scope should, however, remain in OEO because they can help us develop new experiments and because of the agency's special identification with the problems of the poor. The VISTA program is one example; it will make a greater effort to attract people with specific technical and professional skills to its ranks.

Section 810(b) of existing law already prohibits the assignment of volunteers to a State without the consent of the Governor. Frankly, I cannot see how this proposal will contribute to the maximum utilization of the energies and skills of those Americans who seek to help those less fortunate than themselves—which is, after all, what VISTA intended to do.

Finally, point No. 3: A series of other programs, such as legal services, family planning, comprehensive health services, emergency food and medical services, senior opportunities and services. Indians, and perhaps Headstart, Follow-through, and other components, would all have to be part of a State plan or in some way go through the State before they could be approved.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. REID of New York. I thank the gentleman.

The point, very simply, is that the State could disapprove a portion of a plan, of any community action plan. The cities, for example, might have no recourse when there was a fundamental difference with the State or the State legislature.

So the question, I believe, is the issue of Federal versus State control, of Federal innovation versus, in some instances, State incompetence, lack of commitment or indifference.

I believe the substitute could go a long way toward destroying local control.

I would point out to the Members that the League of Cities of the United States has sent a very strong telegram in opposition to this substitute and points out that they are "categorically opposed to the channeling of OEO programs through State governments."

For these reasons, I would urge strong support for a continuation of the bill in its present form. There are other compelling reasons for defeat of the substitute as well.

The purpose of OEO is to encourage innovation and the development of initiative. OEO exists to attack problems that are not being solved by established Federal agencies or by State governments. Surely turning the program over to the States and their attendant courthouse bureaucracies is subverting that purpose. OEO Director Rumsfeld called the first substitute "a bureaucratic mess" and said that it "ignores the special relationship" between the Federal Government and the constituent groups of America's poor.

The black poor in the South and ghetto dwellers in the urban North do not enjoy the most amicable of relations with State capitals, nor do they possess the political influence that regretably will be necessary to insure that they get a fair share under a State plan. Quite simply, a State plan will, in most cases, shortchange the cities where most of the poverty exists.

The OEO Director may fund an application disapproved by a State office only if he finds that "approval of such application would strengthen the overall program plan of a local community action agency, or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this act." This really gives the Director very little power to protect the interests of localities, especially since if he does make a positive funding under this section, the State could take the matter to the U.S. Circuit Court of Appeals. The language of section 251(c)(1) does not provide the Director with a State bypass mechanism that will effectively protect the interests of cities shortchanged by States.

A case in point is the Bedford-Stuyvesant Restoration Corp. in Brooklyn, founded in 1967 by the late Senator Robert F. Kennedy to develop the 600-square-block Bed-Stuy area, of some 450,000 residents, into a viable economic community. Two-thirds of Bed-Stuy's budget comes from title 1–D, special impact funds. An application is pending for $13 million more over the next 2 years. It is highly unlikely at best that a State plan would or even could continue to provide this successful and innovative program with the level of support it now enjoys; a vital and important partnership between established business and financial interests and one of the most depressed ghetto communities in America may well have to come to a tragic halt.

Mr. Chairman, I would submit that the antipoverty program is making progress. The reason that it has not made more progress is not so much because of mistakes and mismanagement—although we must acknowledge that these have occurred—but because our effort to eliminate poverty is a weak attempt and not a wholehearted national commitment. We need only reread the report of the National Commission on Civil Disorders—the Kerner-Lindsay Commission—to discover that what the proverty program needs is vastly increased funding and some continuity. Instead, in this biennial travesty of the legislative process, we are again proposing to throw the entire poverty program to the States which, in the main, have shown little expertise and even less capacity to act.

We in the House tend to be concerned with the practical details to the neglect of what some of these programs mean in terms of those who participate and in terms of the needs of this Nation. We are always trying to run a tighter program; we are too rarely trying to structure a program that will meet the short- and long-term needs of this Nation and its citizens who live in poverty. We are always trying to save money; we are too rarely recognizing that it will take a very great deal of money to rid our cities of urban blight and make a better life for the rural poor. We seem to be wearing blinders; we are, in short, guilty of legislating by delusion.

The administration with the substitute bill proposes to spend $2.048 billion on antipoverty programs under OEO in the current fiscal year. This is $100 million more than last year. It is still too little. It is, for example, half of what we spend annually on highway construction. The committee bill proposes to spend $2.343 billion this year. That is an improvement but it is also too little. Some of our colleagues seem to think it is too much.

But let us look at what the Riot Commission report told us we had to do in March of 1968. First, it said, we must create 2 million new jobs—half in the public sector and half in the private sector—by 1971. But it seems that we have found slots in the JOBS program—the major private sector endeavor—for only 60,000 people this year. Other work-training programs under OEO will reach about 30,000 adults this year, and youth employment programs will assist some 45,000. Even if we add in other manpower programs, this is nowhere near the pace at which we should be proceeding.

In housing, the Kerner Commission said that we must construct and rehabilitate 6 million housing units for low- and moderate-income families in the next 5 years. The national housing goals, as reflected in legislation passed in 1968, has us reaching that goal in 10 years. But the actual rate of construction, even if there were full appropriations as there are not, means that we will only replace existing substandard units by 1982—not to speak of those which will decay in the intervening years. In short, we cannot even keep up with housing obsolescence, not to speak of making progress.

Housing development corporations, funded under OEO program grants, are a valuable tool in making ghetto residents aware of what they can do to help improve their housing situation—but they generated only 5,840 housing units last year. I point this out not to denigrate the importance of housing development corporations, but only to emphasize that one cannot make great strides on the $3.5 million spent on this program last year.

The Commission addressed itself, too, to the spirit of the Nation, to the attitude that is a vital part of implementing its specific recommendations. The alternative to polarization and destruction of our basic democratic values, it said, "will require a commitment to national action—compassionate, massive, and sustained, backed by the resources of the most powerful and the richest nation on this earth. From every American it will require new attitudes, new understanding, and above all, new will."

The Congress should be the leader in pruoviding that new will, that massive commitment to national action. But I submit that we—and the administration—do not lead, we do not even follow. Instead, we stifle all attempts at meeting the Kerner Commission's goals by parceling out niggardly appropriations, by disregarding—or paying lipservice

to—the needs of our cities, by our obsessive concern with the cost-benefit returns of particular programs, and by attempts to vitiate the poverty program by turning it over to the States.

I had hoped that our debate today could signal a reversal of this trend, a commitment, instead, to greater funding and constructive amendments. There is no doubt that in New York City and elsewhere funds have been commingled and misused, sometimes with criminal intent. But the fact of the matter is that some of the OEO programs have been successful, especially for an agency that is working with Americans who have never managed anything before, who never had any conception that they could shape their own lives. OEO, I think we should bear in mind as President Nixon has stated on many occasions, is an innovative agency that is experimenting with new concepts in an effort to stabilize those programs which are found to be most effective in lifting Americans out of poverty.

Headstart, for example, served 695,000 children in fiscal year 1968 and 664,000 in fiscal year 1969. That is only a fraction of the large number of children who require Headstart-type services. But aside from providing youngsters with sources of enrichment too often denied them in their own disadvantaged homes, mothers have become aware of the importance of their own involvement in their children's early lives and of the role they can play in bettering their communities. As a nation, we have suddenly awakened to the fact that if we do not reach the child by age 5 or 6—in terms of nutrition, intellectual enrichment, physical progress—his whole development may well be retarded.

Equally, disadvantaged Americans are realizing that ailments they have had for years can be treated, even though their ability to pay may be severely limited. By the end of last year, 300,000 persons were being served in the 49 comprehensive neighborhood health centers funded by OEO, and several thousand other Americans were being cared for in the health service programs established with local initiative grants.

As the committee report points out, the emergency food and medical service program demonstrates "that slim sums of money administered transitority do not offer a satisfactory solution to the problem of hunger and malnutrition." EFMS operates 401 programs in 1,003 counties, serving over 1 million people. Approximately 37 percent of those assisted were able to buy food stamps for the first time, 58 percent were able to make food purchases from retail grocers, and 16 percent of EFMS families were given funds enabling their youngsters to participate in school lunch programs.

The administration has requested $30 million to continue EFMS this year, an increase of $6 million from the 1969 level. Yet this level of funding would prohibit the creation of any new programs and would force the curtailment of existing programs, to curb their natural growth rate. Clearly, the $90 million recommended by the committee is a much more realistic sum, especially in light of the recalcitrance of the Agriculture Committee to make progress on the food stamp bill already passed by the Senate.

We must spare no effort and waste no more time in feeding the 14½ million hungry Americans. There are 307 counties which participate in neither the food stamp program nor the commodity distribution program—involving over 470,000 families. The President's action at the conclusion of the White House Conference on Nutrition last week in ordering that the food stamp program be extended to these counties within the next 6 months is a step that is long overdue, but it is still a far cry from seeing that all hungry are fed.

Finally, one of the most encouraging OEO programs has been legal services. Its accomplishments in statistical terms are impressive: 1,850 lawyers in 265 programs handling 610,000 cases. Of those litigated, 75 percent were successful, and 60 percent of appeals taken were also successful. More importantly, legal services has won landmark decisions: the Supreme Court rulings on the unconstitutionality of welfare residency requirements and the "substitute father" regulation in welfare programs. Decisions in several States have set important precedents in the areas of housing and medical aid. A bill of rights for public housing tenants is being developed and work is being done to modify the proposed Uniform Consumer Credit Code on behalf of the poor.

These accomplishments and the work in progress are clear indications in their own right of why it would be disastrous and cruel for the Congress to approve the so-called Murphy amendment, giving Governors an absolute veto over legal services programs. Governors now have a veto over a community action program in its entirety. As I made plain in my remarks on the substitute, I do not believe they should be given an item veto over any portion of a local antipoverty program, but to single out legal services as the whippingboy would be a gross disservice not only to the legally indigent but to all members of the bar.

President Nixon, Chief Justice Burger, OEO Director Rumsfeld, and virtually every national bar and legal association have spoken out against the Murphy amendment. It is the professional responsibility of a lawyer to represent any client or group of clients in regard to any cause no matter how unpopular, the resolution adopted at the annual meeting of the American Bar Association states. To discourage or interfere with the discharge of this obligation by the imposition of a Governor's veto is a very sad reflection on our political process and our regard for the canon of ethics.

Professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institutions of government by implicating him in its processes—

Stated the report of the Kerner Commission—

Although lawyers function in precisely this fashion for their middle-class clients, they are too often not available to the impoverished ghetto resident.

The report went on to say:

The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded.

Mr. Chairman, I urge defeat of the substitute. It is a question of backing the President's request for a 2-year extension without crippling amendments or opposing his position and that of the OEO Director, Mr. Rumsfeld. It is a question of the federalists versus the antifederalists; the issue is between those who believe that the elimination of poverty in America yet requires a strong Federal role and those who are content to leave it entirely to each of the States, some of whom have shown a massive and tragic record of indifference, incompetence, and lack of commitment to abolish hunger and poverty.

Mr. AYRES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McCLORY).

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. McCLORY. Mr. Chairman, the mayor of Chicago has not communicated with me, but I have received a communication from the Office of the Director of Economic Opportunity. I know about his position and that he wants an extension of this legislation without crippling amendments. He wants to have a chance to work out a better program than we have now. In my opinion, he deserves that chance. Mr. Rumsfeld served with great distinction in this House and he will do an outstanding job as Director of OEO if given an opportunity.

Mr. Chairman, when the President appointed our former colleague, Don Rumsfeld, the House lost one of its most able Members. While many of us may question the wisdom of his decision in leaving the House and accepting an appointment as Director of OEO, I want to state in my own behalf that I gained confidence in the poverty program which I did not have before.

I would not say that many changes are not required and desirable. Indeed, the substitute bill which is to be offered, may contain elements which would improve the existing program.

But what I say is this: the legislation creating the Office of Economic Opportunity was not thought out carefully and fully when it was first enacted. At this time, it seems to me, it should not be subjected to wholesale revision until a careful and thoughtful review of proposed changes is completed.

As I understand it, Director Rumsfeld wants a brief extension of the existing law without crippling amendments. He is supported in this by the President.

In my opinion, the program deserves this opportunity—and the new director is entitled to a chance to develop the changes which he deems necessary in order to make the attack on poverty more effective. An extension of the law for 2 years would give time for making these necessary changes.

Mr. Chairman, I prefer to support the new director and the President on the bill

before us—in the hope that the war on poverty may be more successful in the future than it has been in the past.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think my colleague would be interested to know that this gentleman appeared before our subcommittee and supported your position.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

(Mr. GIAIMO asked and was given permission to revise and extend his remarks.)

Mr. GIAIMO. Mr. Chairman, I rise in support of the substitute which the gentleman from Ohio (Mr. AYRES) and the gentlewoman from Oregon (Mrs. GREEN) will introduce later today.

I am intrigued by the gentleman from Illinois (Mr. PUCINSKI) quoting the great mayor of Chicago, Mayor Daley, whom I greatly admire. I can assure the gentleman that this is about the only instance in which the people of OEO agree with Mayor Daley.

Mr. Chairman, we have heard a great deal of discussion about whether or not OEO should be under State or local governmental control. It is interesting to compare the provisions of the committee bill with the provisions that were made several years ago when there was concern about the fact that city hall might grasp control of these programs or that the States might grasp control of these programs.

Mr. Chairman, I submit to you today that the history of OEO indicates that it does not want the control of this program in the hands of the people and city hall. It does not want control of this program to be in the hands of the State governments. It does not want control of this program by the people in the executive branch of the Federal Government and it does not want any control or interference by Congress itself.

This is very clearly in its history. It has circumvented the will of this Congress time and time again. It has circumvented the mandate of this Congress. It has no respect for certain governmental bodies, whether State, local, or Federal. OEO prefers to think of itself as something separate from Government. I submit that it has failed miserably.

Mr. Chairman, I am not opposed to programs designed to help the poor. My record has been clear. I will say to my colleagues, particularly those from the North and from the industrial and urban States, that I have supported every program designed to help alleviate the problems of the poor. In the years I have been here, I have supported programs in education, housing, food, health care, vocational training, and the many other programs we have initiated in this Congress which now totals somewhere in the neighborhood of $25 billion a year.

The OEO is just a small aspect of the overall poverty program; an agency which spends approximately $2 billion out of that $25 billion.

I am not opposed to using this $2 billion to help the poor of our cities. I submit to you, however, that under this program with its miserable record of failure, with its record of corruption and, yes, with its record in quite a few instances of actively inciting disorder and violence, we have helped neither the poor nor ourselves in resolving our urban problems.

Mr. Chairman, it is necessary that this $2 billion be expended wisely so that it gets into the hands of the poor instead of the hands of these professional poverty brokers who have used this money too often for their own benefit.

As the gentlewoman from Oregon pointed out when she listed many of the areas of activity where funds have gone, we must restructure this program. We must listen to the complaints of the American people, those who are aware of the shortcomings of the poverty programs and community action programs and take action so that they will give us a vote of confidence. This program has not developed such a great record that it needs no change; that it can simply be continued as is.

The time for change is today. Indeed, the time for change is long past due. We have been derelict because we have not changed and restructured this program before now. We have to restructure this program.

I submit that these types of programs will not work if they are administered at the federal level and through the regional offices. I submit that these programs——

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. Mr. Chairman, I yield 1 additional minute to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman.

Mr. Chairman, these programs must be administered through the governments which are closest to the people. By that I mean by the State governments, and through them the local governments; elected governments; governments which are responsible, accountable, and capable in the way they expend the funds and utilize the authority which the program gives them.

OEO's record has been so poor since its very inception that the time has come to try a new approach in assisting the States with funds and allowing them to conduct these programs in order to see what they can do. I submit to my colleagues that the States can do no worse than we have done at the federal level these past years. Indeed, they will do better.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

(Mr. ERLENBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Chairman, I have not been known, I suppose, as one of the greater supporters of the poverty program over the years. As a matter of fact, I have been from time to time one of its critics. Most of my criticism has been leveled at two aspects of the poverty program, the Job Corps and community action.

Earlier this year the President responded to the requests and the desires of many Members of the Congress and other people in this country to do something about the Job Corps; to coordinate it with other manpower programs, and ordered a delegation of the Job Corps to the Department of Labor, which has now been concluded. Administration of the Job Corps program with other manpower elements of the Economic Opportunity Act is now in the Department of Labor where I believe it should be.

At the same time, the President ordered the delegation of the Headstart program from the OEO to the Department of Health, Education, and Welfare. This has been concluded and most of the Headstart functions are now under administrative control of the Secretary of Health, Education, and Welfare.

One major thing left in the OEO, which has been the most abrasive force in the OEO, is the community action program. I have felt that there should be more meaningful participation at the local level by elected officials in the community action programs to lessen the abrasive quality of these programs and the conflicts that have risen.

The gentleman from Minnesota and I, a couple of years ago, thought that the gentlewoman from Oregon went too far in her amendment providing that the cities, the counties, and the States themselves could be designated as community action agencies. I resisted that amendment which was adopted by this House, because I did not believe we should turn the day-by-day operations of the community action program over to only elected officials, even though they should have a more meaningful role in the community action programs.

This year the gentleman from Minnesota, the gentlewoman from Oregon, the gentleman from Ohio and others have joined together in presenting this substitute bill which will be offered as an amendment in the nature of a substitute later today.

This I think will give more participation at the State level, and does not go as far as the provisions we adopted a few years ago, which incidentally have not been implemented by any States, and by very few communities.

I was not willing to accept the substitute bill when it was first offered because I felt that it was deficient in several respects. I would like to go through a few of these that I believe have been remedied in the substitute that will be offered this afternoon. Together with some of my other Republican colleagues on the Committee on Education, I worked this week with the gentleman from Minnesota in trying to resolve those problems that we saw in the substitute.

The first that I will call your attention to is in 250(c)1 of the substitute, which has to do with the first phase of the operation of the substitute bill at the point when the State economic opportunity office will be a reviewing agent for applications under the community action provisions of the Economic Opportunity Act.

We have in our agreement brought the Governor into this process so that we

would not have a duel review, one by the State economic opportunity office and one by the Governor, and an adverse comment by the office and then a veto by the Governor.

So we now provide that the State economic opportunity office and the Governor must concur in any adverse recommendation against the application for assistance under this program.

Then so that it would be clear that single purpose agencies could be funded, even after an adverse recommendation, we have added language that allows other eligible applicants other than community action agencies, to be funded over an adverse recommendation.

Then in section 253(a)(6), many of us were concerned that this was giving a charter to the State economic opportunity agency to be the coordinating agency for all federally assisted programs within a State.

We have tightened this down so that they will be the coordinator for assistance under the community action section.

With reference to section 253(C)(1) we provided for a bypass around the State planning operation so that a qualified community agency or a single purpose unit such as legal assistance, which so many in this House were worried about in relation to the Murphy amendment, can be funded. We provide an opportunity to the Director to go around the State office of economic opportunity and fund legal services programs or community health service programs and emergency food and medical assistance programs.

One thing that we were not able to reach accommodation on, and I hope we will be able to remedy this by amendment, is the problem of Headstart.

As I said originally, Headstart is properly delegated to HEW.

But then the substitute, as now drafted, will put the State economic opportunity office right back in the Headstart business, instead of having that direct line from the local agency to HEW.

This substitute will put the State economic opportunity office in the act, so that the flow of applications would go from the community action agency to the State economic opportunity office, and then back to the HEW.

I hope that when the gentleman from Michigan (Mr. ESCH) offers an amendment to exempt Headstart from the operation of this substitute that he will be supported.

Mr. Chairman, with these several reservations, I do support the substitute and I hope that it will be adopted.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

(Mr. ESCH asked and was given permission to revise and extend his remarks.)

Mr. ESCH. Mr. Chairman, I think it is important for us to recognize first of all that the legislative process will not end with the passage of the bill but will continue on in the conference committee.

The most important thing for this body to do is to extend the life of the OEO programs. We recognize that there have been serious abuses that have been made under past OEO. But, hopefully, these will be corrected in the future.

There are many of us who are concerned that the substitute bill does not even address itself to those abuses. However, with the understanding that it is essential that we pass the OEO bill on this floor today, many of us, as was indicated by the previous speaker, have worked diligently attempting to perfect major errors in the substitute as it was originally proposed.

Mr. Chairman, let us direct dialog to these improvements.

First of all, do we have a proper bypass vehicle in the substitute?

The answer is definitely yes. First of all, the so-called Murphy amendment will not be a part of the substitute as presented this afternoon. I think that is essential.

Second, the special emphasis programs may be utilized by the director in a unilateral relationship between the Director and the local agencies where he deems it necessary. This can be done by the Director using up to 25 percent of the funds. And the Director can fund these programs, such as food distribution and legal aid, without having to prove that the States are derelict.

Thus the special emphasis programs will continue without having a direct confrontation with the States. That, too, is essential.

The gentleman from Illinois (Mr. ERLENBORN), has alluded to the fact that there are one or two other major problems in the substitute.

Mr. Chairman, during the course of the committee deliberation which follows this general debate, it is my intention to offer an amendment to the substitute bill which would exempt all Headstart programs from the substitute.

I believe it is essential that we retain the present status of the Headstart program and not allow any action which would jeopardize the ongoing efficiency and effectiveness and the future direction of the program.

One of the major actions undertaken by President Nixon has been a gradual transfer of Headstart programs into the Department of Health, Education, and Welfare. This transfer has begun and is being pursued in a manner so as not to disrupt seriously the effectiveness of local Headstart groups. It has been done with a minimum of dislocation and difficulty. My amendment will allow continuation of this process.

At the present, under the delegation of authority afforded the Director of the Office of Economic Opportunity under section 602, the Secretary of Health, Education, and Welfare has been given responsibility for the maintenance of a quality Headstart program. Health, Education, and Welfare has been given authority to initiate contracts directly with public and private nonprofit organizations in local communities. If this amendment is not adopted then applications for existing and future Headstart programs will have to be funneled through State OEO boards and then forwarded to the Secretary of Helath, Education, and Welfare, imposing an additional layer of bureaucracy, redtape and delay. Additionally, if a State board were to reject a Headstart application and the bypass provisions called into action, the present situation in the substitute would cause direct and unnecessary confrontation between Federal and State officials.

I have discussed this entire matter in some detail with Secretary Finch this morning. He expressed grave concern about the problems which would be caused by the inclusion of Headstart in the provisions of the substitute. The Secretary indicated that the orderly transfer of Headstart programs would be seriously impaired if we do not exempt these programs from the direction of the substitute bill.

Mr. Chairman, there has been no program in all of our war against poverty which has been more effective and has received wider public acceptance than Headstart. The Nation has made a commitment to aid the very young who are disadvantaged through no fault of their own. I call upon the Congress to consider carefully the broken hopes and lost opportunities for reaching these children if the Headstart program is seriously impaired. We simply cannot risk the future of these children for political purposes.

My colleague, the gentleman from Oregon (Mr. DELLENBACK), will offer another amendment which is equally, I believe, vital in the area of the VISTA programs, and we hope that we can have a continuation of the perfecting of the substitute as we continue the debate today.

It is important, I think, as we look ahead to realize that the final bill that passes and passes the Congress today may well not resemble what has passed the House here today. It may not anymore resemble what we pass today than that tax bill that finally comes out of the conference committee will resemble what we originally passed. The essential element is that we continue the OEO authorization.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, the situation in which the House finds itself today is not unique. It is the same type of situation in which the House found itself 2 years ago during consideration of this same bill.

I am one of those who has worked with the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Michigan (Mr. ESCH), and the gentleman from Oregon (Mr. DELLENBACK), in an effort to perfect and improve the provisions of the substitute bill that will be offered here by the gentleman from Ohio (Mr. AYRES).

The gentleman from Illinois has outlined fully what I consider to be significant improvements in the substitute amendment so that the role of the States and the role of the Director are somewhat more clarified. There have been modifications in certain sections that were unrelated to the State plan, such as

that section that would have required a VISTA legal service lawyer to have been a member of the State bar. That provision has been dropped. And that provision of the political activity amendment which would have proposed requirements far and away and above those which are applicable to any other Federal, State, or local employee and would have gone so far as to make the political activity prohibitions under the State act applicable to the private employee of the Westinghouse Learning Corp., or a university—those provisions have been modified as well.

The significant parts of the substitute which have been discussed do go to the substance of the substitute and have been discussed in more detail by the gentleman from Illinois, and I would refer any who are interested to his remarks. I share them.

I also want to make clear that I do intend to offer further perfecting amendments in an effort to make the substitute an even better substitute, one that will do a more effective job of work with the agency and work on the problems of the poor of this country.

And let me suggest to my colleagues, whether they are for or against the substitute, that the rhetoric of the relationship between the States and the regional offices is not terribly relevant.

I must say that I am not one of those who is going to characterize the people in State government as being less responsible than those who serve in the OEO agency in the regional office. I just do not think that that is the case. But I think it would be unfair and unwise not to recognize the major changes in the agency that have been undertaken by the new Director, Mr. Rumsfeld, under the charter given to OFO by Mr. Nixon.

So I shall offer a series—not many—of perfecting amendments in an effort to do a better job with the substitute. I intend to support the amendment to be offered by the gentleman from Oregon (Mr. DELLENBACK) taking VISTA out completely. I intend to support the amendment to be offered by the gentleman from Michigan (Mr. ESCH) to exempt Headstart completely. I propose that we clarify the public members amendment that is contained in the substitute, which I think is not well drawn. I also intend to propose that the States share in the administrative costs of the State developmental and coordination plan, something that the substitute simply does not address itself to and which I do think is important.

I also want to make a comment about that section which has been agreed to in the substitute which was a part of an amendment offered by myself and agreed to by the authors in terms of the criteria to be developed by the Director of OEO under section 253(b).

The amendment which was offered by myself and agreed to by the authors of the substitute to the substitute requires that the Director establish criteria for the approval of State developmental and coordination programs and that he approve such programs when he finds that such criteria and other requirements for approval already contained in the bill, have been met.

The purpose of this section is to ensure that the States will know in advance what they must do if their programs are to be approved by the Director. It also enables the Director to take necessary steps to ensure that the State-run programs will fulfill the purposes specified for them in the act both with respect to their content and mode of operation.

Section 210 of the act provides, for example, that community action programs must "include a sufficient number of projects or components to provide, in sum, a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community." These are very general provisions, and the Director is authorized under this section to develop supplementary criteria concerning their content. This amendment affords the Director the opportunity to inform the States as to what their programs must contain to be approved. It also enables him to establish requirements concerning their operation which will assure that the purposes of the act will be promoted.

This section should help allay any fears that granting the States a larger role in the development and conduct of Economic Opportunity Act programs will result in the elimination of some valuable programs in hostile local environments. It should also reassure anyone who is apprehensive that programs such as legal services will be so inhibited in their operation as to curtail their potential for effecting orderly social change.

Lastly, Mr. Chairman, may I suggest to the Members of the House that with all the sound and fury that will take place in the debate here today on the substitute amendment and on the extension of the Office of Economic Opportunity, I want to make clear my own commitment to OEO and I want to make clear my own commitment to extending the life of OEO so that we will have a vehicle that can go to conference. I hope the substitute amendment is substantially changed in conference so that we can make further modifications that those agreed to by the authors of the substitute.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. Before I yield I will make this statement: One of the difficulties, even under the substitute, which does attack some of the problems inherent in the agency— given the way it was passed, the time in which it was passed, and the politics played with the agency—is that the substitute, let us face it, is not going to correct some of the basic defects inherent in the agency, the Office of Economic Opportunity. I shall support the substitute while saying in all candor that it is far from perfect. It nonetheless can serve to get this bill to conference and that is essential.

Mr. Chairman, I support a 2-year extension of the Economic Opportunity Act. I do so on the basis of my conviction that the problems of poverty in the Nation require priority attention, and my belief that the new thrust of the Office of Economic Opportunity, under the leadership of our former colleague, Donald Rumsfeld, promises effective action in this critical area.

None can doubt the commitment of this administration to the task of overcoming the blight of poverty and the human and material waste that it fosters. Nor can there be any doubt as to the central role assigned the Office of Economic Opportunity in that undertaking.

On four separate occasions, President Nixon has reaffirmed his determination to mashal the resources of the Federal Government to combat the scourge of poverty and to employ the unique skills of the Office of Economic Opportunity in that process.

On February 19, less than a month after his inauguration, the President announced his intention to seek continuation of the Office of Economic Opportunity as an innovative agency having special capabilities and experience in dealing with the poor. On June 2 he issued a statement requesting a 2-year extension of the Economic Opportunity Act.

The President stated:

> If we are to make lasting significant headway against poverty, there still is a great deal to be learned about what works and what does not. This Administration is committed to search for that knowledge, and to use it. We are committed to the continuation of an agency whose special concern is the poor; and we are determined to make the Nation's anti-poverty efforts function more efficiently and serve the poor more effectively.

On August 11, the President announced a major reorganization of OEO and assigned it the task of serving as "the R. & D. arm for Government's social programs." He stated:

> I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in the government. For here much of our social pioneering will be done. Here will begin many of our new adventures."

Again in his October 11 legislative message to Congress, the President reaffirmed his position. He stated:

> I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life.

Mr. Chairman, I support the President in seeking approval of this measure, and urge my colleagues to do the same. Our support is warranted, not only by the urgency of the problems to which this legislation is addressed, but also by the encouraging progress made by Donald Rumsfeld in strengthening the performance of OEO, and the promise which the agency shows for effective action.

Like many of the Members, I was dismayed by the aimless and unordered administration of our antipoverty program which formerly characterized the Office of Economic Opportunity. In part, this weakness stemmed from an inherent conflict in the roles which OEO was seeking to fill—a subject on which I shall have more to say in a moment. But it

also stemmed from a failure to identify priorities and to employ the resources of State and local governments in cooperative enterprise.

In the short period of 6 months since he assumed direction of the agency, Donald Rumsfeld has acted to overcome these weaknesses and to establish a more orderly set of priorities. I believe the steps he is taking offer great promise that the Office of Economic Opportunity will at last realize its potential for providing the clear direction and sound administration that the poor of this Nation deserve.

Among the principal reforms which the Director has instituted is the establishment of a more meaningful role for State and local government in the administration of programs under the act—a role which encourages rather than discourages participation by elected officials, but one which at the same time preserves the capacity of the agency to implement a national strategy for combating poverty.

The Director has established a new division of State and local government within the agency to facilitate greater participation by State and local officials in OEO activities. He has budgeted a 30-percent increase in the funding level of State economic opportunity offices. He has set aside funds to train employees of these State agencies and made planning grants to 13 States to help strengthen their planning capabilities. Further, administrative changes are under way to greatly expand and strengthen the role of State officials in the preparation of funding plans and the monitoring and evaluation of OEO projects.

This sweeping series of reforms will enable OEO to marshal the resources and capabilities of local and State governments in attacking the root causes of poverty. But at the same time, it recognizes, as did the President in his welfare reform message, that poverty and its consequences constitute a national problem—one that requires a coordinated national approach if realistic solutions are to be devised. Accordingly, while the Director's reorganization harnesses the support and talents of local and State government, it preserves the capacity of OEO to initiate and implement national strategy for attacking poverty, and it avoids the pitfall of diluting national emphasis. It creates a desirable balance between Federal and regional approaches to the problem, and thereby avoids the risk of "Balkanizing" the war on poverty.

I share the concern of many Members at the amendment adopted by the Senate which would extend the application of a Governor's veto over legal services programs. In my judgment, such a provision would do serious damage to the legal services program by limiting the access of low-income citizens to our legal institutions. As Mr. Rumsfeld has stated:

> We cannot expect respect for the rule of law if we, as public officials, do not assure access to the legal process. To fail to do so would break faith with those Americans—rich and poor alike—who have confidence in our legal institutions and the notion that disputes are better resolved in courtrooms than on street corners.

Such a limitation runs counter to the concept of equal justice and traditional lawyer independence in the service of a client and is opposed vigorously by the American Bar Association. In addition, the Judicial Conference has expressed its opposition to the veto amendment. Lawyers are very proud of their independence in representing the interests of their clients, whether they be public or private, and that sense of independence, we believe, must not suffer inhibition. Such inhibition would have a deleterious effect on not only the OEO legal services program, but also on all public legal programs.

Moreover, this limitation would be counter-productive for yet a more basic reason. Many Members—and I cannot myself among them—feel a deep concern about needless turmoil and unproductive controversy which has been associated with a number of anti-poverty programs. While recognizing the inevitability, and in some cases the desirability of a certain amount of discord in times of social change, disruption for its own sake has no value. Yet at the same time we must recognize that discord and disruption reflect the existence of serious problems in our society.

The Office of Economic Opportunity is uniquely qualified to identify those problems for us and to serve as an advocate for those among the poor who seek constructively to change unfair and unequal conditions. Too often in the past, however, that advocacy function has found expression in abrasive and undisciplined conduct. It is far more constructive, in my judgment, for the problems which engender complaint to be expressed by legal services attorneys in courtrooms across the country.

As part of his reorganization, the Director elevated the Office of Legal Services to the status of a separate division reporting directly to him. Mr. Rumsfeld stated:

> The poor must have effective legal representation—the kind of advocacy on which our legal system rests—if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system.

The impact of the Senate amendment is directly contrary to this aspiration. By placing restrictions on the independence of legal services attorneys to represent the interests of their clients, this amendment would undercut the policy of the Office of Economic Opportunity which seeks to channel the problems of the poor out of the streets and into the courtrooms. It is no doubt true that some of the cases which these attorneys file are controversial and raise perplexing problems, but our legal system has been developed over a period of two centuries for the express purpose of settling disputes among citizens and resolving problems in our society.

One of the obstacles to full realization of the lofty goals set for OEO has been a inherent conflict in the functions which it has sought to perform. One of the most encouraging aspects of Donald Rumsfeld's administration of OEO has been a clear effort to resolve these conflicts.

My reference is the inherent conflict between the mission of expressing the legitimate concerns of the poor and advocating programs to alleviate those concerns on the one hand and, on the other hand, coordinating existing antipoverty efforts, some of which are responsible for creating those concerns in the first instance. It is difficult to resolve, within the same agency, the function of advocating change and the function of coordinating the efforts of public officials who may be resisting change.

Similarly, a conflict in roles results where the agency is charged, on the one hand, with devising innovative experimental programs to alleviate conditions of poverty, and expected on the other hand to continue the function of administering established operating programs.

The result of these conflicts has been inefficient administration and insufficient performance. But now the conflicts appear to have been resolved. The Office of Economic Opportunity is no longer responsible for coordinating the antipoverty efforts of other agencies. It is thus free to pursue single mindedly its unique role of advocating the kinds of change and accommodation needed to effectively root out the underlying cause of poverty. Similarly, except for a few programs which it is particularly well qualified to manage, it is no longer engaged in administering established antipoverty programs, but is free to pursue the experimental and innovative programs which are its primary mission under the new administration.

In closing, Mr. Chairman, let me quote the remarks of Director Rumsfeld, made before the Committee on Education and Labor in June of this year, which succinctly summarize the mission of the Office of Economic Opportunity under this administration.

> We must develop more systematic approaches to identifying the needs of the poverty population and to devising effective solutions to those needs. The people served by OEO deserve this. The people of the Nation require it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

At this point in the proceedings each side has 25 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. HAWKINS).

(Mr. HAWKINS asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Massachusetts.

(Mr. O'NEILL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, today we shall hear many Members urge us to vote in favor of the OEO amendment, an amendment which in my opinion would deal a fatal blow to this vital program. Let us be honest with ourselves, an amendment such as this will not eliminate a few minor bureaucratic

problems that now exist but will escalate the problems in every State in the Union. The people whose needs are the greatest will be the most severely hurt by the amendment because the States in which they live will be the last to act on implementing the needed programs.

Many of the Members on the other side of the aisle are urging us to support this amendment. They say an amendment such as this would enable each State to institute its own program, which would be designed to meet its particular needs. They say it will increase efficiency and eliminate some of the administrative problems. Do not our distinguished Members who are in favor of this amendment realize that such an amendment would not only jeopardize the efficiency and administration of the program, but would hurt and demoralize all those who are honestly working to help their fellow man.

I want my colleagues who believe that the OEO programs are not fulfilling their function to discuss their drawbacks, and not skirt the issue by presenting a so-called improving amendment. If the objective is to kill the OEO program, let them say so and not support an amendment that pretends to better the program while in fact it destroys it. If any proof is needed that the end of the anti-poverty program is the goal of this amendment, I would just like to cite one example that proves my case.

VISTA is perhaps the most responsive program yet devised to grapple with the basic problems of poverty. It is not and cannot be a soverign remedy to poverty but it has produced real results. Americans concerned with poverty, volunteers, work full time on the scene, to do something about the bad health, lack of education, the lack of jobs, the lack of opportunity—the problems that give us the length and breadth and depth of poverty. Since 1965, 20,000 Americans have volunteered to serve a year. Some 40 percent of them have served beyond the original year of their commitment. Increasingly in the last year or two they have been people with special professional skills—lawyers, business school graduates, health specialists, teachers. They have been sent into the slums, urban and rural, not to preach, not to carp, not to complain but to use the skills to change the fundamental facts that can doom a man, a family, to hunger and frustration, ill health and pointless lives.

They have helped. They have helped arrange for hungry children to be fed, for school dropouts to be taught, for poor men to become self-supporting business entrepreneurs, and for people in shacks to obtain decent homes of their own.

There are now some 5,000 VISTA volunteers in the field. Some have made mistakes, some have been harshly criticized. They have seldom been criticized by the poor. They have made, I would say, fewer mistakes than almost any other group working in this most difficult and frustrating field. They have achieved and are achieving real, significant results, and are changing the lives of some of the poor, permanently.

This amendment would destroy their work. It would replace the program with 50 separate programs, each run by a State. The amendment as offered is staggering, the prospect chaotic. The administrative costs would jump gigantically. The training and recruiting and selection machinery would not be merely duplicated—it could be multiplied by 50. VISTA now puts a full time lawyer or business graduate or architect in the service of poor communities for some $4,400 a year. With the fragmentation of the program into 50 parts the cost would necessarily skyrocket as the matching of skills with jobs declined.

In truth, this amendment would kill this organization of volunteers by substituting confusion for order and chaos for efficiency.

The antipoverty program has effectively and efficiently accomplished much of what it was designed to do—there is, however, more to be done.

I urge my colleagues, not to disappoint those people who still believe in America and our system of Government. The present OEO program has proven itself in the helping of others. Let us not destroy it by voting in favor of this amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from New Jersey.

(Mr. THOMPSON of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, the so-called substitute bill does not substitute, it destroys. What it would create is but a hollow sham. It is the death knell of an idea I helped foster and nurture, and, with great pride, saw realized in VISTA—Volunteers in Service to America.

VISTA has proven itself an effective opportunity for individual Americans—particularly young Americans—to participate personally and actively in the Nation's business. It has channeled more than 20,000 full-time volunteers and more than 100,000 part-time volunteers into constructive programs dealing with the Nation's most pressing social problems. It has flourished each year in an atmosphere of increasing popularity and demand for its services. As a matter of fact, in spite of every effort to discourage additional requests which cannot be filled, VISTA has requests from local communities for five times the number of volunteers its budget will support. Most of these come from communities that already have volunteers and know from their own experience the contribution they can make.

The dramatic public response to VISTA in just 4 years clearly illustrates the widespread acceptance and approval of a program that works. Each year has brought successes. Each year has brought management efficiencies that have reduced volunteer costs. Each year has brought changes and improvements that have strengthened the program and enabled it to grow. A little over a year ago, VISTA completed an exhaustive evaluation of its projects that resulted in significant advances. Today's VISTA has better volunteers, better projects, better supervision and better training than ever before. These improvements are the result of sweeping and constructive changes. Why change a system that works? Why kill an idea whose time has come?

This administration has proclaimed its commitment to voluntarism. And VISTA, the only full-time domestic volunteer service makes that commitment live. A recent Gallup poll demonstrated that 56 percent of all college students—more than 3 million of them—expressed interest in VISTA service. And, in another poll, 73 percent of all parents sampled wanted their sons to join VISTA. In fact, VISTA is now more popular on college campuses than even the Peace Corps. This is but one indicator of VISTA's potential as an outlet for the concern of our Nation's youth. VISTA's national recruitment is at an all time high. Not only are there more applications but the people applying are of significantly higher quality. VISTA has toughened its national recruitment and selection. Volunteers entering service now are older, more experienced, and more highly skilled. Nearly one out of two entering VISTA have professional skills: lawyers, business school graduates, urban planners, architects, and nutritionists. In fact, VISTA recruited one out of every 17 lawyers graduating from law schools this summer. More than one out of three volunteers entering are from minority groups or the ranks of the poor. Some 73 percent of all applicants selected are college graduates as compared to 49 percent a year ago.

These accomplishments cannot be credited to tougher criteria alone. They underscore the higher quality of men and women who now look to VISTA for an opportunity for service. They demonstrate the appeal of VISTA's national reputation, national emphasis, and national stature.

And yet, with the brightest of prospects, VISTA's future now lies in doubt. For the proposed bill on the floor carries within it a crippling substitute for the progress and promise of VISTA.

In response to urgings by the House Education and Labor Committee, VISTA has gone out and recruited thousands of nurses, lawyers, business specislists and other skilled volunteers. VISTA distributes its highly trained volunteers among all States according to need and regardless of where they are from. This efficient and equitable distribution of skills and talent, in response to requests from the States and local communities and approved by the States, reflects a nation's concern for all of its poor.

And the presence of skilled VISTA volunteers in local programs is having a profound impact on the problems of the poor. VISTA volunteers are providing scarce technical assistance. They are stimulating self-help housing; helping the poor to start credit unions, producer coops, buying clubs, and other institutions of economic self-help.

VISTA volunteers with graduate degrees in business and law are helping new entrepreneurs to solve the basic problems of starting and maintaining businesses. They are tackling the problems of capitalization, refinancing, and

marketing. Their involvement is direct, constant, and productive.

Let me give you just one example. In the last year, four VISTA volunteers—all with degrees in business administration—have been providing technical assistance to poor people in the ghetto of San Francisco. They have helped 15 new businesses come into existence. They have given technical assistance to more than 100 ghetto entrepreneurs. The income accruing from the growth of each of the companies started with the help of the VISTA volunteers will average about $40,000 per year. For 15 companies, that comes to some $600,000 in new income. Their guidance to other businessmen helped to generate over $300,000 in public and private credit loans. They recruited senior employees of Kaiser, Price-Waterhouse, Arthur D. Little, Safeway, and other companies to serve as part-time volunteers in a new Technical Assistance Corps. These businessmen and lawyers contributed over 1,000 hours of their time free of charge. At the average market price of $50 an hour for professional consultation, these services were worth $50,000. The total benefits derived from the work of just four skilled volunteers on one project totalled $950,000. The cost to VISTA for support of the volunteers: $14,000.

That is what the skilled volunteers now entering VISTA are doing. That is why they are so valuable and so keenly sought after. That is what VISTA is able to do under the present legislation. This year VISTA is planning to field some 2,500 volunteers with professional skills. Next year that number will grow even more. Those volunteers will definitely be worth their weight in gold.

The proposed bill would short-circuit this source of valuable talent. It will cause saturation of technical services in those few areas which produce the most skilled volunteers and starvation in the poorer, more rural areas where they are in short supply. This bill is no friend to rural states because it will penalize those areas that provide fewer volunteers and particularly fewer skilled volunteers.

I am told that the alleged purpose of the proposed substitute bill is to give States and local communities control of VISTA. Yet, the Governors of the various States already do control VISTA under present legislation. Indeed, VISTA's success is dependent upon local sponsorship and local supervision of volunteers. That concept is a firm philosophical and legislative requirement of the program. And it is not just rhetoric.

VISTA makes sure that every program has the full support of the Governor of the State involved. Current legislation requires that Governors must approve every VISTA project in writing before one volunteer can be assigned. Furthermore, if a Governor should change his mind at any time during the operation of an approved project, the volunteers would be withdrawn within 30 days. The existing legislation provides one additional assurance of complete and effective control of VISTA projects by States and local communities: A Governor's veto of a VISTA project is one that the Director of the Office of Economic Opportunity by legislation cannot override.

VISTA volunteers are already locally sponsored, locally supervised, and locally controlled. What is more, they are even locally trained. Through VISTA's regional training centers, volunteers are now trained in the community and on the very job where they will be assigned. After 2 weeks of general orientation, VISTA volunteers now get 4 weeks on-the-job training, which involves not only the training center staff but the staff of the local agency which the volunteers will serve. The process is efficient; the cost is about the lowest for training in the country. Yet in its place, the substitute bill would require creation of at least 50 training centers instead of seven and that can only skyrocket training costs and create a staggering overhead burden.

The bill will not increase the degree of local supervision and local control of VISTA volunteers. It will, however, require a mutiplicity of administrative structures where now one does the job effectively. Separate state and local recruiting, selection, and training operations will require more staff, more overhead dollars, and more bureaucrats. If States were to recruit only within their own boundaries for volunteers, the smaller—and frequently poorer and more rural States—would starve for service. Yet, if States had to recruit beyond their boundaries, there would be the expensive proliferation of visits to out-of-State colleges and universities. The cost of putting a volunteer in the field would be so great that I cannot fathom how the expenditure could be justified.

And where will the money go? Not to the poor, not to more volunteers, but to more high salaried bureaucrats. This bill seeks to create new and unnecessary administrative structures. It will decrease the number of dedicated, skilled volunteers serving the poor. Let us not be deceived: a bill which replaces volunteer workers with salaried bureaucrats does only a cruel disservice to the poor.

The American people have already expressed their support for VISTA as the single most constructive outlet for our dedicated and qualified Americans who are looking not for money but for an opportunity to serve. The Senate has already given its strong endorsement. If there are those who do not feel it necessary to assist the poor or necessary to provide this effective opportunity for those who want to serve, let them proclaim themselves now. But for those who would truly seek to help the poor, I urge you to reject a measure that would aid not the poor, but those who would profit. I urge you to reject a bill that substitutes waste and expense for positive and productive service. I urge you to consider carefully the full meaning of this substitute bill and reject it.

Following are some quotations supporting VISTA from leading national figures who have had experience with it:

Mayor John V. Lindsay of New York: "New York City needs 500 VISTA Volunteers today. Their greatest virtue is that they have been chosen to spend a year of their lives, 24 hours a day among the poor. New York needs more people with this kind of commitment."

John D. Rockefeller III: "VISTA is a very valuable program that channels the concern of the young into a constructive and meaningful service."

Jerome P. Cavanagh, former Mayor of Detroit: "One of the most important post-riot tasks was handled almost exclusively by the VISTA workers. The Volunteers were hard-working, energetic, dedicated and, without exception, they were a credit to their program."

Cyrus Vance, the President's personal representative in Detroit during the crisis, congratulating VISTA Volunteers on the outstanding job which they did: "They have won the respect and admiration of everyone."

William Gossett, former President of the A.B.A.: "VISTA lawyers are a new breed. They represent a tremendously valuable asset to the poor and to the nation. To be commended."

Earl Old Person, President of the National Congress of American Indians: "VISTA Volunteers have been active and personally dedicated in helping my people help our community. VISTA Volunteers have helped erase the image of the bare-chested Indian decorated with warpaint. VISTA is a great help to our people."

Calvin L. Rampton, Governor of Utah: "I urge the citizens of Utah to catch the idealism of these gifted and dedicated people, cooperate with them in their noble endeavors to serve the poor."

Senator Clifford Hansen, Wyoming: (Through VISTA) . . . "Wyoming people can carry their spirit and skill into the hollows of Appalachia, the villages of Alaska, and in rural and urban communities wherever poverty exists."

Louie Welch, Mayor of Houston: "VISTA is continuing its devoted service to people who live in poverty."

Tim Martinez, GOP County Chairman, Costilla County, Colorado: "We have found VISTA Volunteers now working in our communities are doing a terrific job in helping low income people eliminate poverty."

League of Women Voters, Boise, Idaho (spokesman, Maureen Darling): "Any amendments to the House Resolutions which would change the present concept of VISTA will reduce the effectiveness of this important corps of public servants. Urge support of administration bill with no amendments."

Roger D. Branigin, former Governor of Indiana: "I urge everyone who has a desire to take an active part in the War on Poverty to investigate the VISTA Program. For one year these Volunteers devote their time, energy and talents to assisting people who live in poverty areas."

Edward Breathitt, former Governor of Kentucky: "The Volunteers get no publicity and no salary. Their only concern has been to help people in communities that have asked for their assistance. We think they have done a tremendous job."

George C. Whitmer, former Mayor of Des Moines, Iowa: "VISTA Volunteers are fellow citizens who have chosen to devote one year of their lives to the noble cause of helping their fellow man. One of the most effective means of eradicating poverty is through the efforts of individual persons who live and work with the poor."

Hon. Lawrence Mana, San Francisco judge referring to the VISTA bail bond project: "I have served in the criminal courts since its (the VISTA bail bond project) initiation and feel its work has been the greatest advance in the equitable administration of justice that we have experienced in many years."

Mayor Ivan Allen of Atlanta: "Atlanta has been blessed with the help of hundreds of VISTA workers. The program is terrific—a great asset to our city. It should be continued and expanded."

Mr. HAWKINS. Mr. Chairman, no program has been more investigated,

maligned, and abused than the "war against poverty" under the Economic Opportunity Act. Few are willing to defend it and the reason is clear: The poor are powerless and unorganized with limited voting power and no money to spend in politics.

Yet in fiscal year 1968, nearly 3 million Americans were lifted out of poverty with OEO playing a major role. Over 8 million persons participated in community action programs. VISTA recruited over 5,000 full-time volunteers whose services were worth tenfold the cost.

OEO established neighborhood health centers where the poor were not degraded to obtain needed medical care. Headstart gave almost 700,000 preschool age youngsters new attitudes, values, and habits in learning. Over 96,500 of the most disadvantaged persons obtained education, work experience, and vocational training.

These benefits together with legal services, emergency food and medical help, and senior citizens' programs, have created in the poor a new hope in life and a renewed faith in our system which if now destroyed by politically-motivated amendments to this act can precipitate the gravest crisis in our Nation since 1929.

For, in spite of the success of OEO despite criticism, weaknesses, and underfunding, or perhaps because of its success, there are those who are anxious to destroy the one agency in the Federal Government which has exclusive commitment to the problems of poor people.

It is the very nature of antipoverty programs to be abrasive and controversial. There is no other way of helping people out of poverty than by arousing in them a feeling of dignity and involving them in the resolution of their own problems. Defenders of the status quo are therefore necessarily challenged and the fears of those who represented special interests aroused.

The sponsors of the substitute profess to be helping the poor yet their very first amendment reduces the money authorized by $295 million in this fiscal year and twice this amount in 1971. At the same time, several new programs are authorized and a new set of bureaucrats added to further complicate administration and add at least $50 million to overhead costs before the poor get anything.

At the same time this boondoggle with antipoverty funds is authorized sponsors of the amendments propose to "help the poor" by cutting back by over 75,000 the number of children served by Headstart—which currently serves only about 10 percent of the preschool children in need.

The amendments also reduce the number of children in Follow Through by 62,000 thereby depriving this number of Headstart children of the gains obtained in the earlier program.

Further, the substitute reduces the authorized money to support training, career advancement, and jobs under the new careers and operation mainstream programs which the Congress itself created.

But perhaps the cruelest delusion of all about the Ayres substitute is its reduction in support for emergency food and medical aid for America's 15 million victims of hunger and malnutrition by $75 million to a pittance emergency program of only $17 million.

It appears some find it easier to send planes to China and spaceships to the moon than food and emergency attention to starving American children at home.

There is nothing more shocking to Americans and more sensitive to their conscience than the ugly fact of starvation and lack of the simplest form of emergency medical attention for millions of our citizens. It is a story of children born with damaged brains, of anemic bodies with sunken eyes and broomstick arms, of families eating from garbage cans, and without running water. It is a medical list generally not reportable to health authorities of rickets, hookworms, deformities, tooth decay, and simple malnutrition—what a price to pay for "political accommodation."

If the sponsors of these amendments are "helping the poor" it is about as helpful as assisting a blind person halfway across a crowded intersection, and there leaving him between the Mack truck and a Greyhound bus.

Are the States seeking control of this program? In testifying before the House Education and Labor Committee this year James Martin, representing the National Governors' Conference admitted that no new legislation was required to obtain the kind of participation desired by the States. He then cited 15 instances for an effective State role in the existing law. These 15 examples of State involvement in the existing law were then listed as follows:

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967 AND SPECIFIC REFERENCES TO THE ROLE OF THE STATES

TITLE I—JOB CORPS AND WORK TRAINING

Part A—Job Corps ($295 million)

Section 107: States may establish and operate Job Corps Centers.

Section 113(b): Experimental, research or demonstration projects.—These projects developed only after "appropriate consultation with state agencies conducting similar or related programs or projects."

OEO Director may waive any provision of Title I (Job Corps) which he finds would prevent the carrying out the experimental, research or demonstration projects.

Section 113(c): Director may enter into agreements with state educational agencies to establish and operate model community vocational education schools and skill centers.

Section 115: Participation of the States.—Job Corps Director is required to facilitate state participation in all aspects of Job Corps Programs, including grants for state operated programs and approval by the Governor of all Job Corps Programs in his state.

Part B—Work and training programs ($476 million)

Section 129: Role of the States.—Grants to state agencies for the provision of technical assistance and training services, especially in rural areas. Grants for the coordination of related state activities and grants for the operation of state work and training programs where a community action agency does not exist.

Part D—Special impact programs ($60 million)

Section 151: Public agencies, including states, are eligible agencies.

TITLE II—URBAN AND RURAL COMMUNITY ACTION AGENCIES

Part A

Section 210—Community Action Agencies.—States and multi-jurisdictional substate regions are eligible agencies. However, agencies must have community based programs and provide for participation of the poor on the Community Action Board.

Section 222(4)—Comprehensive Health Services.—Director must consult with state health agencies in establishing this program.

Section 231—State Agency Assistance.—Broad range of grants to state agencies for the coordination of related state activities and the provision of technical assistance services to local community action agencies.

Section 233—Evaluation of Community Action Agencies.—Director shall consult with state agencies for jointly sponsored objective evaluation of community action agency programs.

Section 242—Conditional Governor's Veto.—All programs and projects under Title II must be submitted to the Governor for approval. Governors are given thirty days to disapprove of the project. An appeal may be made to the OEO Director.

TITLE III—RURAL AREA PROGRAMS

Part B—Migrants and other seasonally employed ($27 million)

Section 312.— Director may make grants to states for multi-purpose programs to assist migrants and seasonal farmworkers.

TITLE VI

Section 632—Economic Opportunity Council.—The Executive Director of the Council is required to carry out a continuing evaluation of all aspects of the Economic Opportunity Act, including consultation with state agencies especially with regard to the identification and solution of interagency and intergovernmental coordination problems.

Section 635—Information Center.—Director may make grants to the the states to establish information service centers and conduct research in cooperation with the states on information system development.

TITLE VIII—VISTA

Section 810.—Authorizes Governors to terminate VISTA assignments on thirty days notice.

Of even more significance are these conclusions drawn from interviews with State officials and included in testimony of Mr. Martin before a committee in the other House, especially numbers 5, 6, and 10.

YANKELOVICH REPORT

(Conclusions Drawn From Interviews With State Officials)

STUDY OF THE EFFCTS OF SECTIONS 210 AND 211 OF THE 1967 AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT AS REQUIRED UNDER SECTION 233(C) OF THE AMENDMENTS—VOLUME II:[1] DETAILED FINDINGS—FEBRUARY 1969

Conclusions

In summary, these conclusions may be drawn from the interviews with state officials:

1. States intially saw the possibility in the Green Amendment for designating state agencies as CAAs.

2. The interpretation which grew from OEO's implementation of the Green Amendment effectively diminished the opportunity for states to make such designations.

3. Much of the states' dissatisfaction with OEO resulted from seeing an apparent chance to expand their role foreclosed in what were often considered less than proper or straightforward ways.

4. One-quarter of the states wanted a state agency to take over and run OEO programs on a state-wide basis. They sought to expand

[1] Total report consists of three volumes.

the role of the state and improved the administration of the programs.

5. Seventy-four per cent of the states never seriously considered designating a state agency as CAA. The commitment to local initiative was strong in these states.

6. Most of the officials expressed a preference for a larger role for the states in OEO operations, particularly more consultation and cooperation with regional OEO offices. The state directors called for greater state authoritiy in allocating resources and supervising programs in the states. But no state felt it could assume greater responsibiilty for the support of antipoverty work.

7. Slightly over half the states found OEO's instructions, information, materials and assistance in conforming to the Amendment complete and helpful. The remaining states felt these qualities were lacking.

8. Most states felt either that the Green Amendment had had small effect on positive effects.

9. The states had not played a large or a vital role in OEO operations before the Green Amendment was passed; this is unlikely to change under OEO's interpretation of the Amendment.

10. While most states are satisfied with OEO's performance, dissatisfaction and resentment exists in a minority (¼) of the states. The differences in state and OEO interpretations of the Green Amendment heightened these feelings.

Whether or not they reflect accurately the facts of the case or the attitudes of OEO, these unhappy attitudes are quite real to the state officials who expressed them. An aura of bad feeling for OEO, and particularly for OEO regional offices, exists in at least a quarter of the state houses. Such attitudes may be sufficiently strong and widespread to challenge the long-range chances for the success of intergovernmental programs like OEO. The states expressed considerable jealousy for their prerogatives and were most offended by what they considered OEO's failure to observe the appropriate protocols and OEO's disinclination to include them as influential partners in the structure of OEO.

The power of the States or of local governments to deal with the problems of the poor is in no way involved. Certainly we cannot deny the States or their political subdivisiions the right to have a plan of their own and no legislation is necessary to gve them such right. Stripped of political trappings the issue is money. Should the Federal Government become a tax collector for the States? That is the issue created by the proposed amendments, which subordinate the welfare of the poor to this central question.

It would appear, therefore, that the Ayres amendments are not supported either by a majority of the States or any of the poor. The counties are not supporting them and the cities are definitely opposed. The Director of OEO, Donald Rumsfeld, supports a simple extension; and President Nixon supports the Director.

The other body of Congress has passed a simple extension bill and the Committee of this House has recommended similar action. That leaves us with a proposal the authorship of which is in doubt, the provisions of which have never been considered in a committee hearing, and the purposes of which are based on unverified allegations and personal gripes. No substitute has ever been presented to this Congress with worse credentials, and if it had come from an outsider it might easily have been referred to the Internal Security Committee.

And there is where it might better rest.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman.

Mr. ESCH. I know that the gentleman and I share a deep concern over the areas mentioned in regard to the children and to the food assistance program. I hope the gentleman will during the course of the legislative debate offer amendments not only to the regular bill but to the substitute and I will state to the gentleman that I shall be very happy to support him in trying to increase those authorizations in the substitute.

Mr. HAWKINS. I appreciate the comments of the gentleman and I assure him that if he votes for the committee bill he will be voting to provide $75 million for this program and it would be unnecessary then to submit any additional amendments.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, I want to compliment the distinguished gentleman from California on the very fine statement which he has made and I should like to associate myself with his remarks.

Mr. Chairman, I rise in favor of the committee bill (H.R. 12321) in order to continue the war on poverty.

I favor the extension of the Office of Economic Opportunity Act that was requested by the administration and improved by the committee. I know that there are many Members who do not feel that OEO has effectively met the demands of our Nation's poor. Each of us, I suppose, can point out instances where the goals of OEO have been abused or poorly administered. But even these short falls do not overshadow the fact that OEO has become a rallying point for the Nation's efforts to combat poverty. It is for this reason that I support the extension of OEO for 2 years. We should be willing to give the new Director and our former colleague Donald Rumsfeld the time to get OEO functioning effectively. This is what H.R. 12321, as reported by the House Education and Labor Committee, does. It gives the Director the authority to move and correct the proclaimed defects of OEO. May I say, I am disappointed that President Nixon has not been more forceful in supporting his own legislation for a simple 2-year extension. The President seems more interested in working for a watered down Voting Rights Act.

The committee will be faced with an amendment that will be offered which will change the entire thrust of the OEO effort. The Ayers-Quie-Green amendment, as I view it, would make the entire OEO effort little more than bloc grants to States and thereby subject the entire program to State control. This I view with alarm because many States have not been very sensitive to the problems related to poverty. We all know who they are.

I realize the supporters of the Green-Quie amendments will argue that the creation of the new State economic opportunity councils, which are to approve all OEO applications, can be controlled by the Director of OEO. But this argument falls on its face when one realizes that the Director must approve or reject the State poverty program in toto. In addition, these new State economic opportunity offices will have the authority to reject OEO applications and are only checked with the limited provision that the Director can override a rejection if he finds "disapproval of such an application would seriously weaken the overall program of a community action agency." Even with this limited caveat, the OEO programs would become, in effect, a bloc grant to States.

This action would serve to subvert the goals for which OEO was established. OEO would no longer be a Federal program that would develop new approaches to combat poverty; instead it would become a State program. We all know that many States have not been very aggressive in moving against poverty, and now this amendment would give the State the authority to control the poverty effort.

The record of OEO has been to some extent experimental as I have stated, but this program has provided a focus on the major problems of poverty in our country. By accepting the Ayers-Green-Quie substitute, constructive attempts at local poor participation could be eliminated. Also by the institution of a bloc grant approach there is increased danger that OEO might become bound up in the bureaucratic detail that stiffles innovation and change that is the mission of OEO.

I should like to announce that I intend to vote against any limitation on the legal services agency. The Murphy amendment that will make the legal services subject to State control, or any other modification of the Murphy amendment, are not constructive means to alleviate the inequities in our political system. I feel that the use of available legal remedies and the passage and implementation of meaningful social legislation can contribute to the goal of the elimination of poverty in our Nation.

This country has the potential to eliminate poverty. I have moved in this direction, for example, by voting to limit many inflated Department of Defense programs. But the issue before us today is the existence of an agency that has been on the cutting edge of the war on poverty. I do not feel that this is the time to move back by emasculating OEO. I feel that we must extend OEO for 2 years, and continue to work to correct its defects.

Mr. Chairman, I urge passage of the committee bill and the rejection of the Ayres-Green-Quie substitute and the Murphy amendment.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, much of what should be said about this measure has already been said. I do not want to plow old ground over and over again, but I shall touch again upon some

of the things which have been touched upon and say some additional things.

Mr. Chairman, in my opinion the substitute which was proposed on December 3 was completely unacceptable, the substitute which was offered by the ranking member of the House Committee on Education and Labor on our side of the aisle and the gentlewoman from Oregon (Mrs. GREEN) and I felt great dismay and deeply concerned about it. We sat down with the gentleman from Minnesota (Mr. QUIE) and the gentleman from Ohio (Mr. AYRES) in an attempt to improve it. I think we have been successful. The present substitute is far superior to the original proposal. The gentleman from Illinois (Mr. ERLENBORN) has gone over this new substitute and has touched upon some of its features. My colleague, the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Michigan (Mr. ESCH) have gone over it and have made some sound comments with reference thereto.

Research funds will be left in the control of the Director. Under section 251 the Director's control has been improved. Under section 253, the State plan section, the Director has been given authority to set the criteria for State plans. The scope of the State plan has been reduced. The potential uses of the retained 25 percent of funds have been broadened so far as the control of the Director is concerned. Permitting the use of poverty funds to pay claims for attorneys has been drastically reduced.

Mr. Chairman, there are still serious faults in the substitute. Our present plans are to introduce amendments to correct at least two of these. I have reference, first, to the Headstart program and the gentleman from Michigan (Mr. ESCH) has covered this. Secondly, I have reference to the VISTA program. We must not permit this extremely valuable program to be killed by stretching one good program out into a possible 50 poor and inadequate programs. This is one program which should remain a national program. Any alternative will multiply costs and drastically reduce the benefits provided under the program.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I will yield briefly to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I agree specifically with respect to what the gentleman is saying about Vista, it would indeed be tragic not to keep it as a national program. With respect to the others, I feel differently than the gentleman does, but at least insofar as he is correct in this regard, I certainly agree with the gentleman.

Mr. DELLENBACK. I appreciate the gentleman's support on the Vista programs.

Mr. Chairman, and members of the committee, in my opinion it is vital that in stripped down and purged and improved form this program with its goal of aid to the needy be continued.

Of course examples can be placed in evidcnce of waste and error. In any program of this size this will inevitably follow, and wherever we find that waste and error has occurred it should be stopped, it should be cleaned up, and it should be kept from happening again. But there are also a great many examples which could be placed in evidence of the good that has come forth from this program, good to individuals and good to groups of individuals.

Mr. Chairman, when we finish today there are still going to be serious faults in this program, many of which have been left untouched and uncorrected. I hope that early next year the administration will have some further major improvements to offer to this program. I hope that early next year the Chairman of our full committee will open hearings on these new proposals.

But when we finish today I earnestly hope that there will not only be these faults, but that we will also still have Headstart, the Job Corps and Special Impact, Followthrough and Upward Bound, Family Planning and Day Care, and the rest; these are in the law at the present time, and they have accomplished a great deal of good. This bill must pass today, and and it must be put in condition where it will pass this body, so that that which is good in this poverty program can continue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING.)

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I rise to commcnt on an Office of Economic Opportunity project that operated in my congressional district for a substantial period of time with what appears to be some very unsubstantial results.

I am referring to the so-called Pennsylvania project. Under this project, a grant was made to the U.S. National Student Association to provide for research, studies, analysis, and a final report on the "Development of Student Resources in the State of Pennsylvania for Full Utilization in the War Against Poverty." The effective date of the grant was April 15, 1968, and the effort was suspended on February 13, 1969.

For the benefit of my colleagues, I want to say that my interest centers very vividly on this project because, in the first instance, the Pennsylvania project headquarters were located at 415 South Albemarle Street, York, Pa., my congressional district. In the second instance, some of the activities of the pertinent project focused on a number of colleges in my congressional district, including Dickinson, Shippensburg, Gettysburg, and so forth.

I became interested in this project in the early part of this year when early in April, I communicated with the Office of Economic Opportunity, asking for a report on the Pennsylvania project, premising this request on the taxpayers' interest. Information was difficult to obtain, and the project's operation did not resolve itself into any clear picture until just recently. Through an assemblage of reports received from high-placed Federal offices, I have been able to assemble a picture, and it is not an assuring one. Some of these reports are of a preliminary nature, while others are final. I would like to say that the principal thrust of reporting emanates from the General Accounting Office, with the findings of that office being documented in an official report submitted at my request.

My interest in the Pennsylvania project had genesis through the investigative work of Mr. Harry J. McLaughlin, an accomplished and prominent reporter associated with the Sunday Patriot-News. This newspaper is located in Harrisburg, Pa., and is well-known throughout the State of Pennsylvania. It covers most areas of my congressional district. Mr. McLaughlin had written a number of penetrating articles on the Pennsylvania project which invoked my interest, and I want to take this opportunity to compliment him for his keen interest in the public welfare and for his expert reporting. It is through such thorough reporting that he demonstrated on the Pennsylvania project that a complex government like ours is kept on proper course.

Mr. McLaughlin has visited with our colleague EDITH GREEN, chairman of the House Subcommittee on Student Unrest on Campuses, presenting her with some of his findings and views with respect to the operations of the Pennsylvania project.

Mr. Chairman, I would like—at this point—to insert into the RECORD a series of newspaper articles written by Mr. McLaughlin, articles on the Pennsylvania project that bring the operations of this project out of the shadows and into the light.

[From the Harrisburg (Pa.) Patriot-News, Apr. 13, 1969]

UNITED STATES PROBES "SECRET" STUDENT PROJECT IN STATE, STOPS AID

(By Harry McLaughlin)

YORK.—A federal investigation is under way to determine whether a $150,000 grant to a state branch of the National Students Assn. has been used to finance unrest on Pennsylvania collcge campuses instead of to help the poor, it was learned yesterday.

Officials of the Office of Economic Opportunity (OEO) in Washington confirmed that payment has been suspended on the OEO-sponsored research grant in wake of complaints from numerous communities throughout the state.

The grant had been approved last April 30 to enable the NSA to sponsor a "Pennsylvania Project," described as an effort to stimulate college and university students to become active in community action programs to help the poor and disadvantaged.

Now the OEO audit division in Washington wants to know whether the grant might have been used as a dollar base for perseons precipitating or participating in student demonstrations for causes having nothing to do with helping thc deprived.

Largely unnoticed has been the fact that the "Pennsylvania Project" headquarters are situated at 415 S. Albermarle St., York. The building serves also as a two-apartment residence for an eight-member coed staff, none of them natives of Pennsylvania

NSA president Robert Powell and Kate Jackson, a program analyst in the OEO research division, confirmed that one of the complaints has been that persons allied with the Pennsylvania Project have been engaging in student demonstrations against collcge

and university administrations about campus policy and curricula.

In York, a spokesman for the Pennsylvania Project said Patsy Parker, its director, was in the Midwest. But Robert Black, spokesman in absence of Miss Parker, denied that the staff has participated in campus demonstrations

The OEO audit division reported it had "entered the inquiry" into the Pennsylvania Project early in January.

Hugh Ennis, the division's director, said in Washington he had found "some exceptions in vouchers submitted by the NSA for the Pennsylvania program, which will need further evaluation and study."

According to Miss Jackson, the OEO's main reason for ordering suspension of the project was "because the money and project better developed the participating students than it helped the poor and disadvantaged."

The OEO audit division suspended payment on the Pennsylvania Project grant Feb. 12. Powell and Miss Jackson indicated more than $100,000 had been expended, with between $40,000 and $50,000 remaining when the federal brakes were applied.

Black said in York the amount mentioned by Powell and Miss Jackson was "approximately correct."

According to Gerson Green, chief of the OEO's research and demonstration division, the probe of the project headquartered in York was launched last fall.

Powell reported the project staff operated programs at most state universities and colleges, including Penn State, Dickinson, Franklin and Marshall, Bucknell, Shippensburg and Juniata, all in Central Pennsylvania.

Powell said the Pennsylvania Project also was active in Erie, using Gannon College's campus as a base.

"For example," he said, "our staff established a newspaper in the Negro section of the city."

Miss Jackson said the inquiry into NSA's OEO-funded Pennsylvania Project so far as participation in college unrest and demonstrations are concerned "isn't new or a surprise to us."

Moreover, Powell and Miss Jackson said they doubted that the project's staff actually took part in campus demonstrations or that it had initiated them.

Miss Jackson raised a question, too, whether goals of a campus demonstration might have an ultimate bearing on the outcome.

She said she doubted OEO would look unfavorably upon OEO-funded student groups demonstrating against college administrations "if it would benefit poor and disadvantaged persons."

Miss Jackson added:

"I don't think we would approve of NSA-funded students participating in sit-ins or removing deans from offices just to change chemistry or biology courses.

"However, if it brought a change in program or policy for improving conditions for the poor, then I think we wouldn't object strenuously."

The NSA has been frequently in the headlines.

This is particularly true several years ago when its officials confirmed reports that the U.S. Central Intelligence Agency (CIA) was subsidizing the organization annually with as much as $200,000.

In return, the association admitted, it provided information about alleged Communist activities on college campuses and information collected at international congresses attended by student organizations from Communist countries.

The publicity almost wrecked the association at the time, according to Powell.

As to the Pennsylvania Project, Powell indicated the NSA is in "delicate negotiations with the OEO on retaining the unspent funds from the project grant." But the OEO research director said, "We are working with Mr. Powell in the phasing out of this project."

Sherry Thomas, of the York office, charged project staffers had their telephones "bugged" and were harassed by newspapers and critics.

She did not indicate where the "bugging" and "harassment" had occurred.

According to a project spokesman, the only York resident identified with the project program has been Bruce Martin, a York morning newspaper editor.

The spokesman described him as "a speaker who went to various campuses throughout the state to speak about antipoverty."

Martin is one of the speakers scheduled to address Penn State's student-sponsored "talk-in," along with former boxing champion Cassius Clay and others said to be identified with liberal, conservative and middle-of-the-road organizations.

In Harrisburg, Dr. Frederic Miller, deputy superintendent in the State Department of Public Instruction, said he had never heard of the Pennsylvania Project.

He directed his assistant, Dr. Donald Miller, to find out about it.

The superintendent serves as the department's commissioner of higher education.

The Millers were not alone in not knowing about the Pennsylvania Project.

Capt. Charles McCaffery, head of the York City Police Department's detective bureau, said the first he heard about it was last week when a man identifying himself as an "OEO inspector" inquired about the project's activities.

"Never heard of the project," responded McCaffery.

Local OEO staff officials and other community leaders in York expressed surprise that their city served as headquarters for the state program.

U.S. Rep. George A. Goodling, of York and the 19th District counties of York, Adams and Cumberland, said the first inquiry to him about the program came from the Sunday Patriot-News.

He said he wants to know more from the OEO about the project.

Commenting on the work of the project, Black said:

"We had our best success at Franklin and Marshall. In Shippensburg, the project staff initiated the "Student Stress" program."

At Penn State, according to Black, the project accomplished little "because antipoverty programs were in effect, and we were anxious to locate only in areas where there was little or no action."

In another development, a Penn State organization known as "Young Americans for Freedom," last Friday petitioned the student government to withdraw its membership from NSA.

Approximately 300 colleges and universities are members of NSA.

Powell said in Washington that he feels the NSA has a right to oppose, and to demonstrate if necessary, for administration and curriculum changes.

"After all," he said, "we are a student organization, and we should voice our views on campus problems."

As to the Pennsylvania Project, Powell said, "it didn't get results."

"It was an experiment," he said. "We wanted to research the campuses to determine interest of students in helping the less fortunate. The response wasn't too great."

[From the York (Pa.) Dispatch, Apr. 16, 1969]

$154,000 Pilot OEO Task Here Tagged Failure

The National Student Association says its York-based "Pennsylvania Project" grew from the premise that college students really want to help the disadvantaged and underprivileged. Financed by a one-year, $154,000 research and demonstration grant from the federal Office of Economic Opportunity, the experimental project sought to tap that potential for community service by establishing a network of students on rural commonwealth campuses.

NSA admits now the project failed. Moreover, its basic premise might have been wrong. College students, it was found, seem rather to be interested largely in parochial matters centering on their own lives.

OEO, which administers antipoverty funds, also saw the project as a failure. However, after suspending the project in mid-February, OEO just agreed on Monday to a $6,000 extension grant allowing the project's youthful staffers to compile a final report by May 22. The original grant was awarded April 15, 1968.

CITED BY RESEARCH FIRM

Despite the bloom of failure, the project was described glowingly by the head of a research firm accorded a major role in it. Oddly, there seems to be ill will between the firm and NSA. The nationwide student organization claims the firm failed to live up to its commitment.

In York, few knew of the Pennsylvania Project. Headquartered at 415 S. Albemarle St., it did not, however, embrace any York campuses among the 21 locations for its activities. Listed at that address are Patsy Parker, whom NSA identified as the project director; Bob Taylor, Steve Finestein, Bob Black and Margaret Hershey, staffers. None has been further identified.

Daniel L. Hall, president of the local antipoverty Community Progress Council, said he knew nothing of the project until a few weeks ago. A trip to Washington Monday proved unenlightening, he said, since OEO regional officials with whom he conferred told him the Pennsylvania Project was funded by OEO's national office.

CPC staffers, however, learned of the project last fall. Executive Director Henry V. Harman said he and Mrs. Muriel Bessemer, assocate director, together with Barbara Haug, field representative for OEO's Mid-Atlantic Region, visited Pennsylvania Project headquarters at that time. However, since the project apparently could not be tied in with the local program, it was not mentioned in any CPC reports, Harman said.

Harman and Mrs. Bessemer said they were disappointed the project did not include cooperation with local community action agencies, such as CPC. They agreed the project had "good potential" in an "excellent basic idea," but they felt it was not as effective as it could have been.

FEDERAL INVESTIGATION

Harman confirmed reports the project was the subject of a federal investigation. He said a representative from OEO's office of inspection inquired of CPC about the project on March 27. The investigator, whom Harman chose not to identify, appeared interested only in whether the project was effective.

Questions of a different sort were posed about 10 days ago in a phone call to city Det. Capt. Charles L. McCaffery. The police official, also a CPC board member, recalls being asked if police might be conducting an investigation of activities at the South Albemarle Street address. McCaffery said he replied "no."

Th caller, McCaffery said, claimed he was calling from OEO in Washington, and explained the project had received a $150,000 grant, but that funds had been stopped as of Feb. 14. The caller, whose name McCaffery said he couldn't recall, said there were psychedelic murals all over the walls in the South Albermarle Street dwelling.

McCaffery said the phoned inquiry was his only link with any "investigation" or for that matter, with the project, itself. "But for all I know," the police official said of the caller, "he could have been Joe Doaks."

OEO, however, denies it had a probe underway at the time of the inquiries here. Richard Fullmer, chief of the investigative unit in OEO's office of inspection, suggested in a phone interview that the recent probe may be the work of "the McClellan committee." Fullmer said "We completed our investigation prior to Feb. 19," at which point the Pennsylvania Project was suspended.

TWO GROUPS AT ODDS

Sen. John L. McClellan (D-Ark.) heads the senate Committee on Government Operations.

NSA, saying it was unaware of any such legislative probe, reported there have been about half a dozen inquires by congressmen into its Pennsylvania Project. NSA says it considers the inquiries connected with the struggle between itself and another student group, Young Americans for Freedom.

While NSA admittedly professes leftist politics, YAF reportedly is a rightist group and claims support from several congressmen and senators. YAF, according to NSA, is out to strip NSA of college student government affiliates.

NSA describes itself as a confederation of about 385 student governments at colleges across the country. At this point, NSA says it does not consider the YAF threat a serious one.

OTHER GOVERNMENT CONTRACTS

Besides the Pennsylvania Project, NSA claims it has had several government contracts in recent years. That includes another OEO program, for a tutorial assistance center. Ever since its controversial financial link with the U.S. Central Intelligence Agency was exposed early in 1967, NSA says it has stayed out of international affairs, concentrating solely on its domestic projects. It maintains a staff of 40 in Washington, along with regional coordinators.

As described by OEO and NSA, the modification to extend the Pennsylvania Project provides for salaries and costs for a month for seven project staffers who will move to Washington, D.C., to compile the final report. At last count, NSA said it had eight persons on its Pennsylvania Project staff.

Meanwhile, NSA will turn back to OEO $40,000 in unexpended funds from the original grant, along with $10,000 it has withheld from the project's research firm, Urban Systems, Inc., of Washington. The firm says it has received only $40,000 of its $50,000 share of the original project grant.

At the same time, OEO took over dealings with Urban Systems, at the request of NSA, which said it wanted nothing more to do with the firm. Until now, Urban Systems was linked by contract only to NSA.

The extension, according to NSA, followed weeks of "delicate negotiations." But OEO said it was routine for a final report to be compiled when a project terminates.

CLAIM DIFFICULT ROLE

While NSA claims it has been left "holding the bag" for explaining to OEO what became of the money given to Urban Systems when the firm filled none of its commitments, Urban Systems President Jack Huffner countered that the play-by-ear-type rendered the research function a difficult role.

OEO's suspension of the project, Huffner said, interrupted a review by OEO of the operation, which, if completed, would have led to preparation by Urban Systems of a research plan. The OEO suspension, of course, ruled out a research plan, Huffner said.

He was reluctant, however, to reply specifically to NSA's charge. When interviewed by phone on Tuesday afternoon, Huffner said he was unaware of the month-long extension by OEO of the project.

Urban System's role in the Pennsylvania Project, Huffner explained, was to determine what data would be needed to evaluate the project, then to compile a plan to secure that data.

"We were never able to implement the research we wanted," Huffner said. "We were not able to identify specifically enough what they were going to do. Part of the reason was the very nature of the project, the difficulty of what they were trying to do—organize and develop a network of students on rural college campuses to direct their energies and efforts toward poverty problems; to get white, middle class kids involved in pursuing some of OEO's objectives.

FASCINATING PROJECT

"To their credit, they tried to innovate in this new organization area, but because of this, it became difficult to anticipate what they were going to do next.

"It was a very fascinating, interesting type of project that turned out to be very difficult to control. But that does not detract from the potential significance of it."

While the project failed to set up the network of students, Huffner continued, "I'm not sure there weren't any positive results. But they weren't systematic.

"It should have been a two-year program. They really were innovating—trying things that never were done before. But there were so many time pressures they never really got the operating program defined. If left alone, by now they might have."

Huffner said the project embodied some techniques that might be viewed with shock by unitiated persons. He refererd to "games" NSA had said were used to secure student interest and encourage their involvement.

Huffner used the term "hippies" in describing the project's possible impact on the average citizen.

"The unitiated would ask 'Why spend money for that?' or, 'Why spend antipoverty money on middle class white kids?'," Huffner said.

Urban Systems was recommended for the research role by OEO, according to both NSA and the firm's president. Huffner added that several others also were suggested to NSA. The student sponsors selected Urban Systems, the only firm it interviewed, Huffner recalled.

[From the Harrisburg (Pa.) Patriot-News, Apr. 20, 1969]

GOODLING SEEKS "ACCOUNTING" OF YORK-BASED OEO PROJECT

(By Harry McLaughlin)

YORK.—The White House has been requested to provide a detailed accounting of $100,000 expended by the York-based staff of Pennsylvania Project, a state-wide antipoverty program sponsored by the National Students Assn. and financed by the U.S. Office of Economic Opportunity, it was learned yesterday.

U.S. Rep. George A. Goodling of the 19th District (York, Adams and Cumberland counties), said yesterday he wrote to Bryce Harlow, congressional liaison chief for President Nixon, for a full and complete report on the controversial project.

OEO officials, as reported first in last week's Sunday Patriot-News, confirmed they had suspended payment or $150,000 research plan to NSA for the Pennsylvania Project because of complaints that the money might have been used to finance unrest on state college campuses. They reported an investigation was underway.

Approximately $40,000 has been returned by NSA to OEO.

The suspension came last February following an OEO audit division report and after some vouchers had been "red-tagged" for further evaluation and study.

Goodling said he wants to know "how every penny was spent."

The project spokesmen in York said the NSA had attempted to initiate antipoverty programs in campus communities with college students' assistance. He listed Penn State, Shippensburg, Dickinson, Bucknell, Juniata and Franklin and Marshall as among those campuses "worked" in Central Pennsylvania.

At Penn State, Donald Shall, one of three student government presidential candidates, said he met with "Pennsylvania Project" staffers last winter to discuss student reform.

"I especially wanted to hear the views of Miss Patsy Parker, director of the Pennsylvania Project, because she had been president of the student government at the University of Illinois.

"I am for student reform, and I believe Penn State's grading system is unfair and unjust," Shall said.

Miss Parker is among the 100 persons slated to speak at Penn State's "talk-in" on May 23, 24 and 25.

Shall, who represents the Organization for Student Interests, must wait until tomorrow night to learn if he has defeated two other candidates, Ted Thompson and Barry Stein, both independents, for the student government presidency. The election was held last Wednesday and Thursday.

In the meantime, Pennsylvania State University administrators have launched a quiet investigation into the "possible influence of Pennsylvania Project on campus activities," it was learned.

In another development, Dr. Ralph E. Heiges, Shippensburg State College president, reported that the Pennsylvania Project never participated in his college program, "Student Stress," as announced last Sunday by a project spokesman.

Dr. Heiges, in a prepared release, said in commenting on the Sunday Patriot-News article, "To the best of my knowledge the York office of the National Student Assn. has assisted in no project on this campus. It might be noted that the Student Senate took action on Jan. 28, withdrawing its membership from the NSA."

Dr. Allen Marshall, adviser to the college's Student Stress Committee, confirmed that the chairman of last year's committee, Robert Taylor, is now affiliated with the Pennsylvania Project in York.

The Shippensburg college newspaper, Slate, quoted William Padamonsky, the outgoing Student Stress Committee president, as saying he and others believed the Pennsylvania Project was a front organization for other activities."

Padamonsky added, "This became a factor which influenced Shippensburg State College's Student Senate decision to withdraw from the NSA recently."

In Washington, NSA officials now concede the project was a failure, and have directed York-based staffers, all in their early 20s, to return to Washington to complete "phasing out reports." The OEO granted NSA another $6,000 to pay salaries of the staffers. The deadline is May 22.

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

RECORDS "UNAVAILABLE" ON OEO GRANTS TO STATE COLLEGES

(By Harry McLaughlin)

YORK.—Financial records dealing with how eight young employes of National Student Assn. (NSA) spent more than $100,000 in anti-poverty research funds on 21 Pennsylvania college campuses are unavailable to the public, it was learned yesterday.

Last February, the U.S. Office of Economic Opportunity (OEO) suspended its contract with NSA because the staff of "Pennsylvania Project," with headquarters in York, had failed to stimulate college students to participate in anti-poverty programs.

On Thursday the staff submitted a report of its activities from last May to February to the NSA president, Robert Powell, in Washington, for submission next Friday to OEO officials, including the auditing staff.

Ever since the Sunday Patriot-News ex-

clusively unfolded the story of Pennsylvania Project's activities in the April 13 edition, U.S. Rep. George A. Goodling, of the 19th District of York, Adams and Cumberland counties, said he has been pressing the White House and OEO officials to reveal details of the operation, especially those dealing with expended funds.

The OEO grant to NSA amounted to $150,000, but the full amount never was paid.

NSA President Powell said his organization's contract mandates that OEO audit the records, but "we aren't obligated to open our books or show vouchers to the public, or news media, and we don't intend to do so."

The NSA had a contract several years ago with the U.S. Civil Intelligence Agency (CIA) for its members to report on information secured at international student congresses, which included representatives from Communist nations.

The OEO and NSA confirmed last month that an investigation was underway to determine if the grant was used to finance unrest on the state campuses. They acknowledged receiving such complaints from numerous communities.

However, according to a letter dated May 2, Goodling was informed by Robert Perrin, acting deputy director of OEO, that "at the time the suspension action was initiated (on Feb. 12) a brief field inquiry revealed no information to indicate that campus disorders resulted from activities of the Pennsylvania Project."

Later inquiries were made by OEO field investigating teams, it was learned, but these results have yet to be announced.

In spot-check telephone calls with OEO and college officials in Erie, Lancaster, Lewisburg, Shippensburg and York, none recalled ever hearing the project.

At Shippensburg, State College, Dr. Ralph E. Heiges, president, reported Pennsylvania Project never participated in his campus anti-poverty programs, but William Padamonsky, outgoing chairman of the college "Student Stress" committee, said the student government withdrew its membership from NSA because of the project activities.

Padamonsky said he and others believed Pennsylvania Project was a "front for other activities." He failed to elaborate.

In Washington, Goodling said he will demand to see the report of Pennsylvania Project expenditures.

"I believe the public should know how this student organization spent $100,000, who recived the mony, and in general, be given a thorough accounting of the expended funds, and also, whether it helped to finance campus unrest," Goodling said.

He said further, "I am personally attending to this matter, and if necessary, I will confront the incoming OEO director, my Friend, Congressman Runsfield, for a full report."

In the meantime, the OEO office revealed the names of colleges and universities which were reportedly included in the project.

They are: Capitol Campus, Harrisburg; York College, Dickinson, Carlisle; Gettysburg, Susquehenna, Selinsgrove; Juniata, Huntingdon; Elizabethtown, Lewisburg; Franklin and Marshall, Lancaster; Shippensburg, Wilson, Chambersburg; Millersville, Gannon, Mercyhurst and Behrends Campus, Penn State University in Erie; Villa Maria, Erie; Edinboro State, Alliance College, Cambridge Springs; Allegheny, Meadville; University of Scranton, and Washington and Jefferson, Washington.

On April 12, Robert Black, a York spokesman for Pennsylvania Project, said his staff enjoyed its "best success at Franklin and Marshall College." He also said the staff was inactive in York. But worked Penn State University, at University Park, for a brief period. Penn State was not listed by the OEO.

"Never heard of the project," Richard Schneider, director of the F&M "Upward Bound" program, said yesterday. At Bucknell, James Soller, retiring president of the student faculty congress said, "they were never known to us." Bucknell campus was the site of a PP state conference.

York College's president, Dr. Ray Miller, said he learned of the project for the first time when he read the Sunday Patriot-News account last month.

"I'm surprised to know that OEO and NSA claim the Pennsylvania Project operated on our campus. I've checked with administration officials, and they are in the dark, too," Dr. Miller said. He added, "I'd like to find out from official sources what they did here."

OEO officials in York said the project staff "had nothing to do with our anti-poverty programs."

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

PENNSYLVANIA PROJECT CREDITED FOR SWITCH IN ROTC AT GANNON

ERIE.—Pennsylvania Project staffers were credited here yesterday with directly influencing Gannon College officials to drop the compulsory Reserve Officer Training Corp (ROTC) program to a voluntary level.

Miss Sandra Hammer, 19-year-old sophomore at Gannon, said Robert Taylor and Steven Finestein, of the project staff, "deserve the credit for changing college policy relative to the ROTC program."

Miss Hammer, who said she was one of nearly 100 students from Gannon and other nearby colleges, Mercyhurst, Villa Maria and Behrends Campus of Penn State University, who assisted in helping the Pennsylvania Project.

"I was an active member in the project," Miss Hammer volunteered. She is also the secretary for Dr. Charles Lundy, a college administrator, and Fred Thompson, director of the college's "Upward Bound" program.

The Pennsylvania Project staffers made their initial contact at Gannon during Orientation Week last fall, Miss Hammer said, and they also helped with the formation of the college's student-sponsored "Colloquy."

"Taylor and Finestein later were joined by two other staffers, Miss Patsy Parker, the chairman, and Robert Black, in arranging for a 'Sensitivity Week' for development of a better understanding between blacks and whites. We had a 'Black Festival.' The staffers helped us secure speakers for the events," Miss Hammer said.

Also, Pennsylvania Project published a newspaper, "The Paper Bag," she said. "It was published at Juniata College and distributed to numerous campuses throughout the state."

At Gannon, she added, "we also published a newspaper called 'The Last Page' and distributed it throughout the campus and the community of Erie."

Miss Hammer said the Pennsylvania Project staffers either stayed at campus dormitories, the Student Union, or at local motels during their visits to Erie.

At the moment, the U.S. Office of Economic Opportunity (OEO) is preparing to audit the project financial records. The project came to a halt in February at the request of OEO, which had given a $150,000 research grant to the National Student Assn. (NSA) to have Pennsylvania Project staffers attempt to stimulate college campus students to participate in local anti-poverty programs.

When the program was suspended, the staffers already had expended $100,000, according to OEO officials.

[From the Harrisburg (Pa.) Patriot-News, May 18, 1969]

NADER WILL SPEAK AT PENN STATE UNIVERSITY "COLLOQUY"

(By Harry McLaughlin)

UNIVERSITY PARK.—A group of 15 to 20 Pennsylvania State University students believe that rational dialogue as opposed to physical violence is the solution for avoiding tensions on college campuses.

That point they hope to prove this week with "Colloquoy," an educational experiment openly endorsed by the university president, Dr. Eric A. Walker, and numerous campus organizations with divergent political ideas and philosophies.

So far, at least by comparison, the 20,000-student campus has been relatively quiet. It hasn't been entirely without incident, however.

Last week, students for a Democratic Society (SDS) and the rival conservative group, the Young Americans for Freedom (YAFF), took mild legal jibes at each other when U.S. Navy recruits sought campus propects. There were two or three fistfights over the matter. Last February, a seven-hour sit-in ended quietly and without serious difficulties.

The "Colloquy" students have arranged an ambitious program which opens Tuesday with a speech by the safety promoter, Ralph Nader. Then on Friday, it will be Cassius Clay, the former heavyweight boxing champion and black activist, and on Saturday, Al Capp, the "Lil' Abner" cartoonist, at the podium.

Clay, who prefers to be known as Muhammad Ali, is to represent the liberals; Capp, the conservatives.

From Friday through Sunday, another 80 or more speakers will participate in panel discussions on subjects including sexual freedom, student use of narcotics, influence of the news media, black people, politics, the draft, student unrest, rightists and leftists, religion, higher education, the cold war, pollution and obscenity.

The panelists represent extreme liberal and conservative organizations, including such controversial organizations as the Ku Klux Klan, Muslim Student Assn., Young Socialist Alliance, All-American Conference to Combat Communism, the Philadelphia Draft Resistance Movement, National Student Assn., American Civil Liberties Union, the Environmental Defense group, and the Homosexual Law Reform Society.

Among government officials will be William Sennett, the state attorney general, and several state senators.

President Walker endorsed the "Colloquy" and said that "Students should try to add to their educational experiences at every opportunity on their own, through the interplay of various ideas, outside the classroom."

"It is a return to the great tradition" the president remarked, "of listening to various opinions, discussing with an open mind, and weighing the facts."

Larry Rubenstein, Jerry Jablonski and Donald Shall are the student leaders.

[From the Harrisburg (Pa.) Patriot-News, June 1, 1969]

GOODLING AFTER NSA TO RETURN $100,000

(By Harry McLaughlin)

The United States Dept. of Justice will be asked to investigate the National Students Assn. (NSA) anti-poverty program on Pennsylvania college and university campuses if the association doesn't return $100,000 in federal funds, U.S. Rep. George A. Goodling, of the 19th District of York, Adams and Cumberland counties, said last night.

The congressman said he is referring to the U.S. Office of Economic Opportunity's (OEO) grant of $150,000 to NSA for the

purpose of encouraging college students to partlcipate in off-campus anti-poverty projects. Last February, OEO suspended the program after NSA had spent $100,000 of the grant because it said the project staff failed to achieve its goals.

Goodling said he was concerned because the NSA activity, named "Pennsylvnia Project," was directed "more into the mind-molding and social stimulating areas rather than anti-poverty, and the activitles had a heavy hippie flavor."

The congressman said he drew his conclusions after reading a copy of the "Pennsylvania Project" newspaper, "Paper Bag," which advertised that NSA could provide reliable draft counseling and said the OEO-sponsored staff is "a group of people that wants a revolution in people's heads," and is interested in white racism, social rules and regulations, education reform, community action and non-talking games.

In a by-lined article, entitled "The Real Inauguration," Sherry Thomas, of the "Pennsylvania Project" staff, wrote in "Paper Bag" about the experiences of "Yippies being beaten and arrested" at the presidential inauguration parade.

"Some, seeking purpose and a return to action, go to state their feelings to our new rulers, and to be beaten and arrested. Many of us don't see that as we drift back to borrowed homes," Miss Thomas wrote.

She also described the earlier Pentagon and Chicago riots, and then criticized the news media for their coverage of the inaugural parade disorders.

"The communion of the afternoon and night is unfelt by those who describe us to the world," Miss Thomas said in an article.

The names of Miss Thomas and 17 others are listed as salaried members of "Pennsylvania Project," according to a report of a preliminary audit of the project released Tuesday by OEO to Goodling. Six additional persons, the report said, received fees as consultants, including Michael Ross, of 104 W. Pomfret St., Carlisle, who got $85, for undescribed services.

Another area man, John Uhrich, of 827 Church St., Lebanon, was paid $1,731 as a salaried staff member.

Miss Thomas, who received $1,238, is one of four "Pensylvania Project" staffers listed in the masthead of "Paper Bag." The others and their salaries, are Miss Patsy Parker, project director, $4,305; Margaret Hershey, $4,305, and James Miller Jr., $508.

The report showed that Misses Parker, Thomas and Hershey, along with Miller, Robert N. Black, Thomas Brackbank, Drucilla Hammell and Robert Taylor resided at 415 S. Albemarle St., York. The house also served as the project state headquarters.

Black was paid $2,100; Brackbank, $430; Miss Hammell, $1,008; and Taylor, $3,906.

Taylor is a graduate of Shippensburg State College and was chairman of the college's "Student Stress" committee two years ago.

Other staffers, and their salaries, the OEO said, are: Pamela Dickson, Washington, $430; Donald Diven, Sharon, $500; Stephen Finestein, Philadelphia, $3,226; Douglas Glasser, Fortuna, Calif., $1,154; Beverly Pettiford, Washington, $1,170; J. Walton Senterfitt, Washington, $2,154; Mary Tilton, Houston, Tex, $208; Michael Vozick, Washington, $310; and Richard Yoder, Sommerville, Mass., $1,250.

Yoder and Glass also collected another $250 and $180, respectively, as consultants.

Other consultants, and their fees, are: David Durand, Davis, Calif., $200; Richard Baker, Chapel Hill, $6 and Mickey Issacorff, Philadelphia, $180.

The report failed to explain what the consultants performed in services for the project.

Goodling noted that the preliminary audit showed that fees and salaries totaled slightly more than $30,000, but the accounting doesn't explain how the remaining $70,000-plus was spent.

He urged the OEO to make a "saturated audit" of the NSA vouchers and books rather than the routine spot-check audit.

The OEO grant to NSA was $150,996, but $100,000 was spent before OEO suspended the contract.

Among the complaints, according to OEO and NSA officials, filed against the project staffers and allied participants was that they encouraged student unrest on college campuses.

At Gannon College, Erie, the project staffers were credited by Sandy Hammers, an administration secretary and a sophomore, with successfully crusading against the college officials in a campaign to have the Reserve Officer Training Corps (ROTC) program reduced from a compulsory level to a voluntary one.

Officials both OEO and NSA said the "Pennsylvania Project" staff failed to get college and university students interested in anti-poverty programs and became active in unrelated programs as outlined in the OEO-NSA grant contract. So far, the unrelated programs haven't been described.

Goodling, in personal meetings and in correspondence, has pressed for a detailed report of the staff's activities and an accounting of the funds. The representative said he has been in contact with the White House, the OEO, and added, "if I am dissatisfied that the money was misspent, and NSA fails to return the $100,000 to the taxpayers, then I shall ask the Justice Dept. to intervene in the matter."

[From the Harrisburg (Pa.) Patriot-News, July 6, 1969]

PRINTER SAYS OEO OWES HIM $318

(By Harry McLaughlin)

The owner of a Lewisburg printing company is waiting for Pennsylvania Project" (PP), the defunct college-student operated anti-poverty program financed by the U.S. Office of Economic Opportunity (OEO) to pay a bill of $318 for publication of the controversial newspaper, "The Paper Bag," it was learned last night.

Art Miller, owner of Focht Printing Co., confirmed that he had a contract with the PP staff for publication of two editions of "The Paper Bag," which had been distributed to most state college and university campuses.

In Washington, OEO officials reported that they understand the National Student Assn. (NSA) has assumed obligation for the printing bill although the printing work was contracted by the OEO-financed staffers.

The OEO last February suspended its program with NSA, which already had spent $100,000 of the allocated $150,000 federal funds for a research and development experiment to encourage state college students to participate in anti-poverty projects.

Some allegations, according to NSA, OEO, and more recently, U.S. Rep. Edith Green, of the House sub-committee investigating campus unrest, were filed that the "Pennsylvania Project" staffers and unpaid coworkers initiated or supported campus projects unrelated to the antipoverty program. The question also was raised whether federal funds indirectly were used to promote student unrest on campuses.

OEO officials reported that the federal government also had three other contracts with NSA in the "field of anti-poverty" work that totaled nearly one-half million dollars. NSA, which represents 400 college and university student governments, had contracts several years ago with the U.S. Central Intelligence Agency (CIA).

Also, U.S. Rep. George A. Goodling, representing York, Adams and Cumberland counties, asked OEO for a full report on the PP audit and an accounting of its work in the state. Approximately 15 young men and women, in their early twenties, received salaries ranging from $1,000 to $7,000.

They operated from a York headquarters.

The OEO allocated an additional $6,000 for NSA and the PP staffers to write a report of their activities and only yesterday a copy of the 100-page document was released to the news media. Goodling said he received a copy of the report, but was requested by OEO officials to withhold immediate disclosure.

In Washington, an OEO official said he was unable to determine immediately whether the Lewisburg printing bill appears with other expense vouchers undergoing a "saturated audit" by the U.S. Defense Contract Audit Agency.

Miller said he was told last February by a "Bob Black, of the Pennsylvania Project staff that his organization was in financial distress, and the bill would be paid by the National Student Assn." He said the work was contracted last year by a Fran Murray, another PP staffer.

"I was told to bill the two printing jobs to 'Pennsylvania Project,' and I was in contact several times by telephone with their staffers at their York headquarters. I haven't been paid, and I already paid the $18 sales tax, so I plan to contact my congressman, Herman Schneebeli, to ask the OEO to get my money. It was an OEO-financed project, let them pay the bill," Miller said.

The printer, who is a school board member in Lewisburg, said he received severe rebuffs from residents for printing the two newspapers because of the "critical articles appearing in them." The newspapers were distributed at the Lewisburg schools.

One article, by-lined by Martha Hershey, also a paid PP staffer, described how she and other demonstrators were ill-treated by Washington police during President Nixon's inaugural parade. The headline reads, "The Real Inauguration." At the time of publication, she was still in the employ of the OEO-NSA project and receiving federal funds.

Another article dealt with drugs and narcotics, and notes increased arrests in Pennsylvania cities for users. It suggested that students can secure advice on the matter from NSA headquarters in Washington or in York.

The newspaper is now published by the Pennsylvania Assn. of College Students (PAOCS).

The NSA report to OEO describes the "conception" of the project, and said that PP operated on 80 state campuses, although it lists activities only on approximately 20, including Penn State University and other South-Central Pennsylvania colleges and universities.

Although the PP staffers were credited by students at Gannon College, of Erie, with successfully demonstrating for reduction of the college's compulsory Reserve Officer Training Corps (ROTC) program to a voluntary elective, the report excludes this activity.

The report indicates that PP played major roles in the establishment of the "colloques," a campus project to develop dialogue between students, administrators, and the public on key local, national and international problems.

The staffers take credit for helping to make arrangements for "colloquies" at Pennsylvania State University, Gannon College, and in cooperating with the "colloquy" originator, Edward Fitts, of Hanover, at Bucknell University.

Fitts also assisted the staffers in "writing 'The Paper Bag,'" according to the Lewisburg printer.

[From the Harrisburg (Pa.) Patriot-News, July 1969]

OEO Report Details Project's Activities

Washington.—The U.S. Office of Economic Opportunity (OEO) yesterday released a 100-page report of the activities of "Pennsylvania Project," (PP) a $150,000 program it contracted with the National Student Assn. for an anti-poverty experiment on the state's college campuses.

Last February, after the PP staffers expended $100,000 of the federal government-sponsored project, it was suspended because "the staff wasn't fulfilling the goals of the project." The PP books are being audited.

The report showed PP participated in or originated following programs on South-Central College and university campuses:

Elizabethtown—Initiated and developed a deprivation-discrimination conference at the college to sensitize the students to damaging effects of poverty and racial discriminations incurred by the poor and especially the black poor. Also, consulted with Thrust on way to make coffee house in Harrisburg relate effectively to the poor community, and worked with Afro-American Week committees.

Shippensburg—Initiated student and faculty participation in a community workshop on race relations, and initiated programs against job discrimination and also discrimination in law enforcement in the community surrounding the campus.

Juniata—Stimulated members of Mt. Union and Huntington tutorial projects to form an experimental college for development of community-college relations, and developed program for inter-campus project relationships.

Penn State—Initiated and developed a curriculum plan for community organizing in the College of Human Development, and assisted in planning of its "Colloquy."

Capitol Campus (Middletown)—Consulted with directors of tutorial projects, simulated "new thinking" about role of tutorials in community action program and helped develop or expand programs.

Dickinson—Worked with Carlisle community action groups, initiated program for Dickinson students to participate in poor community, and helped with the educational enrichment program for poor children.

Bucknell—"Although hostility by some student leaders was encountered, "the staff assisted some students in developing and implementing a high risk program. It hosted several state-wide conferences.

Wilson—Consulted with members of "Sam's Gang," a big brother-sister program, and encountered apathy towards a tutorial set-up.

Gettysburg—Encouraged expansion of educational-recreation program for migrant workers.

Susquehanna—Secured participants for state-wide conferences, but also organized a draft counseling group.

F & M.—Initiated publication of a newspaper for Sunnyside poor persons, and assisted "Student War Against Poverty" committee.

[From the York (Pa.) Gazette & Daily, July 22, 1969]

"Dramatic" Results Claimed by Group for Pennsylvania Project Terminated by OEO

A recently released "final report" on the York-based Pennsylvania Project claims "dramatic" results despite premature termination of the $150,996 grant by the Office of Economic Opportunity (OEO) because, a spokesman said, "we didn't have enough to show."

The report was submitted to OEO by the United States National Student association (NSA), which was granted a "small allocation" for its preparation last April, almost three months after the project itself was essentially halted by OEO.

The grant was made April 30, 1968, with the overall directive to explore possibilities and develop effective partnership between Pennsylvania college students and local community groups in the "War on Poverty."

It was terminated, Edward O'Hara, head of the community action program for OEO said in April, "because we didn't have enough to show—they spent plenty of time relating to other students, drumming up interest, but on an informal basis."

The funding included appropriation for data processing, contracted to a Washington, D.C., firm, amounting to about $50,000.

O'Hara estimated that the project, which had its headquarters on South Albemarle street, but did not carry out any of its campus or community work in York, spent about $7,000 or $8,000 a month.

The report, prepared by NSA and the project staff, states that despite vague directives and interfering actions by OEO, "given the fundamental resistance and apathy discovered by the project to exist in the communities and campuses involved, it is believed that the results of this effort have been dramatic."

"Apathy, hostility, suspicion and disinterest," the report summary continues, "have often been replaced by enthusiasm, concern and action."

Their experience, staff members claimed gives a "model providing visible, measurable examples of new means of organizing and stimulating potentially effective but presently inactive poverty workers from among rural or conservative area campus students, and involving them in community action with equally apathetic and resistant but potentially active contiguous poverty community groups."

Heretofore, the report says, most college students involved in fighting poverty have come from the "relatively sophisticated colleges clustered in urban areas."

The project efforts were primarily concentrated in rural communities and on "small, rural, private and relatively isolated campuses," where they found in their initial grant-directed period of survey work on existing attitudes and work in student and poverty communities in the state.

". . . the overwhelming and deeply engrained attitudes of both college students and the poor community toward student community action was either total apathy or open hostility and often was a combination of both."

"To the extent that students showed any interest outside their own personal problems, their grades, and their social life, this awareness was limited to vague dissatisfaction with dormitory hours, lack of coeducation and similar issues," the report says.

Similarly, the report contends, local poverty communities were generally unaware of the possibility of taking action to improve their lot "and were even less aware of the basic social and economic reasons underlying their status."

Activists Hostile

"The few activists pressed in these communities demonstrated immediate and open hostility to any contact whatsoever with nearby campus communities, which they considered to be their enemy as representative of the white middle class establishment," the report continues.

The staff reportedly worked with student groups on over 80 campuses, with widely varying degrees and kinds of activity. Where they found contacts existing with the poor community, they said relationships were of "superficial" service-type, although approximately 20 projects were identified as "rather creative and action-oriented."

The staff reported making contact with five local community action agencies—the small number was one of the OEO's objections, O'Hara said—but found "local CAA's (Community action agencies) were frequently regarded as ineffective by leaders of the poor communities."

Furthermore, the staff claimed, "indigenous leadership in those communities did not even know that their county had a CAA."

The project reported that "more successful efforts in building working relationships came from the contacts with indigenous, private organizations in the community," which were "more receptive to the notion of college student involvement in their work than the CAA's contacted."

New Techniques Needed

The report contends:

"It is in this context that the organizational methods of the Pennsylvania Project and the progress made in achieving ultimate goals must be viewed. It was clear that new techniques would be necessary. . . . This necessity coincides with the basic concepts of OEO Research and development (R&D) projects," on which, the report quoted from a 1969 fiscal year plan, "purposes of R&D are clearly to experiment with new methods, structures and techniques which will further the poverty reduction efforts of OEO and other public and private institutions."

The report says the staff worked on the assumption that poverty in America "is the result of the structure and behavior of American institutions of power, and is not the result of the action or inactions of the poor themselves."

Therefore, they considered as "nearly fruitless" service-directed programs affording temporary relief services and focused, instead, on working for "significant institutional changes."

A second basic assumption for their work, the report said, was that students would be effectively and permanently committed to anti-poverty work only after "they themselves had developed an awareness of the kind of powerlessness and frustration felt by the poor in their efforts to change community institutions."

The staff felt that students and poor shared "a point of common interest" in recently developed "feelings of powerlessness and isolation from the centers of decision making."

A number of techniques were used to achieve the goals of education about poverty and involvement in its eradication. These included more or less formal projects, such as colloquies, stimulation of self-awareness by interview-type techniques, and non-verbal sensitivity exercises designed to build "personal and work relationships marked by a high degree of mutual trust and cooperation.

Other methods were simulation and gaming techniques, role playing and the stimulation of "free universities," in which students assume an active role in their own education.

The report details activities at a number of colleges, including Franklin and Marshall, Juniata, Huntingdon, Dickinson, Elizabethtown, Bucknell, Wilson, Susquehanna Gettysburg, Gannon and Mercyhurst, among others.

The staff claims the project increased contact among students at the various institutions and, that throughout the project sought to transfer activity from staff to local group.

The report concluded that the "present level of commitment and enthusiasm evident in the communities and campuses with which the Project has worked" indicates the possibility of a statewide organization which could support "a continuing and ex-

panding community action program involving college students and the poor."

[From the Harrisburg (Pa.) Sunday Patriot-News, Aug. 3, 1969]

REPRESENTATIVE GREEN HITS OEO ON FINANCING—U.S. HOUSE PANEL TO PROBE

(By Harry McLaughlin)

The U.S. House of Representatives subcommittee investigating student unrest on college campuses has entered the inquiry into the activities of the youthful staff of "Pennsylvania Project" (PP) a college campus program sponsored by National Students Assn. (NSA) and financed by the U.S. Office of Economic Opportunity (OEO), it was revealed yesterday.

The OEO suspended the NSA project in February after nearly 20 PP staffers had already expended $100,000 of an OEO research grant of $150,000 to promote interest among Pennsylvanians college and university students in off-campus anti-poverty programs.

On Tuesday, U.S. Representative Edith Green, an Oregon Democrat and chairman of the House subcommittee on student unrest on campuses, discussed the OEO–NSA project with U.S. Representative George A. Goodling, of Loganville, in the presence of this newsman, in her Washington office.

"I will do a thorough investigation of the project, although I had received preliminary reports from another congressional committee and other sources," Congresswoman Green said. She is a strong critic of the OEO, and recently complained that NSA president, Robert Powell, was less than cooperative in his appearance before her subcommittee to discuss his association's activities.

The veteran member of the House Education and Labor Committee described the anti-poverty organization "as the worst managed agency ever operated in Washington."

She told Goodling, a Republican, "the OEO, I'm afraid, is indirectly helping to finance some of the country's revolutionaries."

The congresswoman was informed by the York-Adams-Cumberland Counties representative that the OEO stopped the Pennsylvania College experiment because "it did an inadequate job, and failed miserably."

The OEO spokesman, Richard Peacock, wrote The Sunday Patriot-News in a recent letter that OEO disapproved of non-anti-poverty activities conducted by the Pennsylvania Project staffers, and would disapprove any other such project if the sponsors failed to meet requirements of their contract.

The PP staffers, in a report of their activities that cost $6,000 to prepare, told of confrontations with law enforcement officials in Shippensburg, of the publication of "Paper Bag," and of other programs related and unrelated to the poverty program.

At Gannon College in Erie, the PP staff is credited by Sandra Hammers, a student who doubles as a secretary for the college administration, with inaugurating and leading the campaign to have the college officials reduce the Reserve Officer Training Corps (ROTC) program from a compulsory subject to an elective.

The Gannon College president, Monsignor Nash, said he only recently learned of the PP participation in the ROTC movement and confirmed that the ROTC status was changed after protests from some faculty members and students.

In Lewisburg, the Union County Journal reported that the city school board and high school administrators were alarmed by the distribution of the "Paper Bag" in their schools, which nearly forced suspension of several students. The PP publication, the administration said, was derogatory to students and stirred dissension within the student body.

Two issues of "Paper Bag," described as an underground newspaper, were printed in Lewisburg by printer Art Miller, of Focht Printing Co.

Miller said he has complained to NSA, OEO, and his congressman, Herman Schneebli, that the Pennsylvania Project staffers never paid a printing bill of $318 for publication of "Paper Bag." And OEO officials said it won't pay the bill, and a PP spokesman, Robert Black, Miller said, told him earlier that NSA would pay it.

In one issue of "Paper Bag," dated early in February and a few days before OEO suspended PP activities, there appears a PP-staffers byline article criticizing the inauguration parade of President Nixon, and describing the efforts of Washington law enforcement officers to halt Yippie demonstrations.

The PP staff headquarters was at 415 S. Albemarle St., York, until the date of the program suspension.

The PP staff report of 100 pages states that it helped organize the student-sponsored "Colloquy" at Penn State University, and the one at Gannon College.

An audit of expenditures of the $100,000 project is nearing completion, Representative Goodling said Friday. It is being conducted by the U.S. Defense Dept.

Goodling again reiterated an earlier statement that he will ask for the U.S. Dept. of Justice to make an investigation of the project if OEO and NSA "fail to provide a satisfactory report."

In a preliminary report to Goodling, the OEO said approximately $37,000 was spent for salaries for the youthful staffers and for consultant fees.

His Oregon colleague said "Americans today face a threat of romantic anarchism which in political terms is best described as neo-fascism and it offers mob violence and intolerance in place of reasoned discourse and understanding." She added, "It must be defeated."

Representative Goodling said after his meeting with th student unrest investigating committee chairman that he wanted to determine wheher federal funds were used in Pennsylvania to "stir up student unrest on our campuses, and if so, with what degree of success."

OEO reported that PP "worked" only 19 of the state's 119 colleges and universities.

NSA has received between $1 million and $1.5 million in federal and foundation grants for various projects since 1966.

[From the Harrisburg (Pa.) Sunday Patriot News, Oct. 26, 1969]

YORKER, 22, POSTS $7,000 BAIL—THIRD SUSPECT IN NARCOTICS CASE FACES HEARING IN CHAMBERSBURG

CHAMBERSBURG.—A preliminary hearing for Robert A. Taylor, 22, of York and McClean, Va., will be held in the week of Nov. 10 before Justice of the Peace Allen E. Jennings on a charge of possession of narcotics and dangerous drugs.

Taylor, who formerly resided at 415 S. Albemarle St. in York, surrendered Friday to Shippensburg Police and later was released from Franklin County Jail after posting $7,000 bail. He was arraigned before Justice of the Peace Virginia Barnhart on the drugs charge. She said yesterday the case was being transferred to JP Jennings.

Another Yorker, Paul J. Krsek, 21, and a Silver Spring, Md., youth, Kenneth Warner, 20, also were arrested after State Police, Shippensburg Police and state narcotics agents raided an apartment at 421 W. King St., Shippensburg, on Oct. 17.

Taylor was a former student at Shippensburg State College and a year ago joined the staff of Pennsylvania Project, an anti-poverty project sponsored by the National Student Assn. and financed with a $150,000 grant from the U.S. Office of Economic Opportunity.

Shippensburg Police reported that Taylor refused to give a home address at the time of his booking and that they took the Albemarle address from his vehicle operator's license. This was the same address as the headquarters and residence of the former staff of Pennsylvania Project, which was closed down last April by the OEO after the staff had expended $100,000.

The OEO began an investigation into the statewide activities of the staff on 27 college and university campuses. The findings of a seven-month audit of the project financial books has yet to be revealed.

U.S. Rep. George A. Goodling, R-19th District, said he has been in continuous contact with the OEO about the investigation and audit.

Taylor was a featured panelist at the Pennsylvania State University colloquy last spring, a dialogue between students and educators and public officials. He appeared on the "Drug Abuse" panel.

Krsek is president of the Student Government of Shippensburg State College, and a former student at Central High School in York.

Krsek was arrested at the apartment in Shippensburg at the time of the raid and later posted $7,000 bail, pending a preliminary hearing.

Warner, who surrendered to authorities Tuesday, was charged before Jennings and released on $3,000 bail, pending a preliminary hearing.

If one word were to characterize the operations of the Pennsylvania project, that word would be "mystery." So mysterious were its operations, in fact, that administrators—at colleges where Pennsylvania project activities were in process—were not remotely aware of the project's presence or its functions. In addition to this, the head of the Community Progress Council of York—the city where the headquarters of the Pennsylvania project were located—knew nothing about the existence or operation of this particular project.

It should also be called to your attention that fear had been evidence in some quarters that the mysterious operations of the Pennsylvania project had not been directed into the area of the poverty stricken but, instead, had been tailored to cause campus unrest.

To further highlight the mysterious nature of this project, I would like to refer to some of the points contained in the official report submitted to me by the General Accounting Office. I would also like to say that the Honorable Donald Rumsfeld, Director of the Office of Economic Opportunity will, in due course, have an opportunity to examine and to comment on this report, taking whatever action he deems necessary to correct the reported deficiencies—I have recommended that this report be directed to Mr. Rumsfeld, and the General Accounting Office has consented to transmitting it to his attention.

The following represent extracts from the GAO report:

The grant conditions required a non-Federal contribution of $7,400 from NSA as its share of the project cost. NSA personnel could not furnish a record to show whether any such contribution had been made.

None of the NSA salary payments were supported by signed and certified time and attendance cards, which are the records usually required by O.E.O. of grantee as a basis for preparing a payroll.

Of about $51,000 reported to have been expended for direct costs on this project by NSA, costs amounting to about $39,000—in-

cluding $29,000 for salaries—lacked adequate documentation.

A number of charges to the project appeared questionable; for example, trips to Illinois, New York, California, and Florida were charged to the project although the scope of the project work was limited to schools in Pennsylvania.

Expenses identified with some individuals not officially assocaited with the project were charged against the grant.

NSA made an unauthorized purchase of a used Volkswagen bus, repaired it and purchased tires for it.

There were a number of questionable transactions involving the project director.

As of November 14, 1969, project expenses in the amount of $6,372—which were recorded in the books of NSA in May, 1969—remained unpaid. The sum of $5,370 was for consultant fees.

$2 was spent for repairs to the automobile purchased without authorization.

$38 was spent for an air flight to Raleigh, North Carolina, by one Richard Baker, whose name does not appear on the payroll register for the Pennsylvania Project.

The sum of $3,970 was charged to the Pennsylvania Project as consultant fees in May, 1969, and not paid as of November 14, 1969. Additionally, a cashier check was issued by NSA to cover a personal check in the amount of $760 from Patsy Parker to David Owens for consulting fees, which was subsequently deposited by Joan Brown, a holder in due course, but the check was not honored because of insufficient funds. No record was found of Patsy Parker having reimbursed NSA.

Mr. Chairman, these represent only some of the irregularities that permeate the report that has been submitted to me officially by the General Accounting Office on the Pennsylvania project. They serve, however, to provide a perspective on how loosely the project was put together and operated.

The aspect of mystery also pervades the selection of personnel that appear on the roster of the NSA to receive money for various services.

For instance, it is revealed from official records that one David Owens was associated with NSA and received the sum of $4,730 for consultant fees and conference expenses, along with other sums to cover general expenses. Mr. Owens is listed on the NSA records as being an executive director and founder of the United Black Brotherhood, Inc. It is of further interest to note that one David Owens—reported by newspapers to be an executive director and founder of the United Black Brotherhood, Inc.—also has an interesting record in the intelligence division of the Pittsburgh, Pa., Police Department. This record on one David Owens shows as follows:

May 6, 1967: required, in Pittsburgh, Pennsylvania, to assume bond not to molest.

November 11, 1967: arrested in Pittsburgh, Pennsylvania, for inciting a riot, for assault and battery on a police officer, for resisting arrest, and for disorderly conduct. No trial was conducted on these charges.

October 9, 1968: charged in Pittsburgh, Pennsylvania, with assault with intent to kill, violation of State uniform firearms Act, carrying a deadly weapon, pointing a deadly weapon, resisting arrest, and conspiring to do an unlawful act. He was tried for these charges on November 24, 1968, and he was found guilty on all charges except assault with intent to kill. He has appealed for a new trial and is now out of jail on bond.

In addition to the above, it is reported by various news media that some years ago, David Owens was arrested in Cincinnati, Ohio, for being a.w.o.l., and he was being investigated at that time for other offenses. Furthermore, it is reported that he was on hand during a disorder that took place in Detroit, Mich., early this year, and it is also reported that he was picked up in London, England, by authorities for carrying a firearm.

The disturbing thing is that after this turbulent background, David Owens was selected to take part in a responsible capacity in the Pennsylvania project.

The name of Robert A. Taylor, RD No. 3, Crescent Drive, Shippensburg, Pa., is also listed as one receiving a salary of $3,906 on the staff of the National Students Association. The Sunday Patriot News—in its issue of October 26, 1969—carried the picture of a man being escorted off to jail by police of Shippensburg, Pa., after the man had turned himself in on a drug charge. The paper reported further that a preliminary hearing for Robert A. Taylor would be held in the week of November 10, 1969, on a charge of possession of narcotics and dangerous drugs, and it then went on to say:

Taylor was a former student of Shippensburg State College and a year ago joined the staff of Pennsylvania Project, an anti-poverty project sponsored by the National Student Association and financed with a $150,000 grant from the U.S. Office of Economic Opportunity.

It should be noted, however, that this occurrence developed after one Robert A. Taylor was no longer a part of the Pennsylvania project. But it is disturbing to realize that men like Mr. Taylor and Mr. Owens were acting to advise our college youths.

Mr. Chairman, I have mixed feelings on whether or not the Office of Economic Opportunity should be continued. My purpose in presenting these facts is to point out that if the Office of Economic Opportunity is extended in any form, every precaution must be taken to make the programs it sponsors responsible ones.

In the first instance, great care must be taken so that competent, reliable, and trustworthy personnel are selected. In the second instance, ever yeffort should be made to see that programs sponsored by the Office of Economic Opportunity are efficiently administered and meticulously accounted for. In the final instance, everything must be done to assure that projects sponsored by the Office of Economic Opportunity specifically obtain the objectives certified in the implementing grant—unless this is done, we will be using hard-earned taxpayer money to promote soft-objective programs like the Pennsylvania project.

Mr. AYRES. Mr. Chairman, may I ask what the division of the remaining time is?

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the gentleman from Ohio has 18 minutes remaining, and the gentleman from Kentucky has 17 minutes remaining.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota (Mr. QUIE).

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield before he starts on his dissertation or would he rather yield later?

Mr. QUIE. Let me yield to the gentleman now because I know the gentleman has been waiting patiently to get into this colloquy.

Mr. FARBSTEIN. I thank the gentleman very much.

I will give you another example of one of the situations that has occurred. In a Southern State a kid cannot go to school unless he has shoes. One individual went into one of these family loan purchasing offices where they can borrow up to $300 without any security and borrowed $10 to buy shoes for his kid so he could go to school. While he was in the office, he learned of some of the other benefits that the Government affords in this poverty program.

I contend that this is a good program and I want to know whether or not under the amended program the Governor of this Southern State will have the right to declare that this program is undesirable; and if so what can be done about it?

Mr. QUIE. I would say to the gentleman, if the program is already in operation in this State, the Governor has already had that opportunity to declare it undesirable and, evidently, he did not—or else if he did, his veto has been overridden.

Therefore, under my language here that we are offering as a substitute, the Ayres substitute, it would not again come up to the Governor to decide this question whether it would be approved or not approved.

As the gentleman knows, when the money was put into this program, it stayed in it as a revolving fund. So there is nothing to go back to any State agency to continue that program.

Mr. FARBSTEIN. How about additional funds?

Mr. QUIE. The gentleman asked earlier about the additional funds.

It is my understanding that there is nothing budgeted for additional funds. But since the original funds came from section 232, the research and pilot programs, undoubtedly additional funds would also have to come from that section. That section is not covered under the State developmental and coordination program. Therefore, any additional funds would have to go the same as the previous request for funds directly from the Director of OEO, or to whoever handles it locally.

Mr. FARBSTEIN. Now I have convinced, I think, the head of the Committee on Appropriations that appropriates the funds of the validity of the program and he has promised me that he will do everything that he can to see that money is appropriated for that program.

Will he need enabling legislation or will he just be able to include in the appropriation bill sums to cover this particular program?

Mr. QUIE. I imagine he would still have to get the approval of the Director of the OEO to fund that through sec-

tion 232, where he received the fund originally.

I think they will need the additional support of the Director of the OEO to receive the money which might be in the appropriation bill.

Mr. FARBSTEIN. But there would have to be no other authorizing legislation needed?

Mr. QUIE. No other authorizing legislation, you are quite right.

Mr. FARBSTEIN. I thank the gentleman very much.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HOWARD. Under the substitute bill, will the Governor of Georgia, Lester Maddox, have the veto power over the poverty program in his State?

Mr. QUIE. He has the veto power now and he will continue to have the veto power.

Mr. HOWARD. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I would like to make my statement now, and I will say to the gentleman—of course, I will yield to the gentleman from Illinois (Mr. RAILSBACK) and anybody else who may want me to yield—I shall yield when I have made my statement.

Let me just review a little bit about the substitute.

I imagine under the 5-minute rule there will be brought up all the differences of opinion that anyone might have to title III of the substitute. So I will only refer to that fact that most of the flack will come from title II, the new opportunity for the States to assume administrative responsibility. This is what I felt in the very beginning that the Economic Opportunity Act has been sorely lacking.

Because in the observations that I have made and in the philosophy of government that I believe in, any domestic program functions best if the State stands between the local community and the Federal Government.

Because in the past political influences of the community on the Federal programs have been such that they have substantially changed them. They stay on target better when there is State administration.

When we are dealing with a program that helps the poor who have been left out of programs in the past, and evidently left out so that they are poor right now—I want to make absolutely certain that if a State assumes additional responsibility, it should be in such a way that it conforms with the act, and that certain individuals and certain categories of people who are poor will not be left out of the program.

I do feel very strongly that we have devised in this title II an opportunity for the State to assume a greater portion of the action in such a way that they must receive the approval of the director before they can set up a developmental and coordination program.

In many States they are ready to move to assume that additional responsibility. They have already indicated, and they have indicated to the Director of the OEO previous to the present Director.

Title II of the substitute lays out structurally the means by which a State can assume additional responsibility.

But, first, the State does not have to do anything different than they do presently if they do not want to. They can leave things the way they are.

But if they have a State economic opportunity office, they should be given some opportunity to work with local communities. The Director already has notified them with a draft of proposed changes and guidelines. He has already indicated that he wants to give 30 percent more money to the States to enable them to do it. So the substitute requires that all applications in that case would have to go through the State office for recommendation on their part to the Director rather than simultaneously, as it is at the present time.

However, one of the biggest handicaps to communities has been the fact that the regional office is so far away from them, and so in many cases without sensitivity to their needs, and they really should have the opportunity, if the State can devise it, to have an administrative unit which will be more sensitive to the needs of the communities of the State and the categories of the poor in the State and to work out such an administrative operation. This is what we have proposed. I am convinced that it will enable the Economic Opportunity Act to function much better than it has in the past. Many of the glaring faults that we have pointed out before we have been unable to do anything about because it is handled by a Federal agency not responsive to the people. I say you have a vehicle at least under the Federal system that many of us believe strongly in, that the people can actually get at some of these shortcomings and make changes. Therefore, I am convinced that this is the wise step to make at this time. I know many people have said that about the only way you can clean up the OEO is to get rid of it and start over again. We do not have that opportunity right now, because a complete new vehicle to operate under has not been developed. When the act comes up for extension again, perhaps at that time the vehicle will have been developed. At this time it has not been, and we believe we have provided the machinery to improve the administration of OEO with the substitute.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

I understand this will be my only opportunity to speak, and I wish to begin by saying—and I am sure the gentleman in the well agrees with me—that we should all commend the Director of the Office of Economic Opportunity, Director Rumsfeld, for the job he has done in providing many innovations, many internal changes designed really to help restructure the Office of Economic Opportunity.

Mr. QUIE. I will say to the gentleman that it has not been an easy task for him. I am aware of that. In my own State he is up against tremendous odds.

Mr. RAILSBACK. Because of my high regard for the Director, as the gentleman in the well knows, I am very reluctant to support his substitute despite the fact that I know he has given a great deal of time to it.

I would like to ask some questions in the hope that we can clarify some of the language that I believe will be offered in the gentleman's substitute. I am particularly concerned that all applications, whether under the proposed section 251 or under the proposed section 253, will in fact first go to a State office but then will be referred to the office of the Director of Economic Opportunity. Is that correct?

Mr. QUIE. I would say that under 251 that is true. All of them end up with the Director. In 253, if an application is approved by the State, then there will be no reason for it to go to the Director. However, every application that is disapproved under 253 would go on to the Director for him to make the determination whether he is going to fund it under the 25 percent that he can reserve.

Mr. RAILSBACK. In other words, if I understand the gentleman correctly, what he is saying is that even under section 253, if the State should disapprove of an application, it would then still be able to go to the Director for the Director's review and possibly an override, and then the Director would be permitted to fund it out of the 25 percent reserve funds provided in the gentleman's substitute?

Mr. QUIE. The gentleman is correct.

Will the gentleman permit me to yield to his colleague from Illinois, who I believe is together with the gentleman?

Mr. RAILSBACK. Certainly.

Mr. ERLENBORN. I thank the gentleman for yielding.

First, to clarify this point, the gentleman on several other occasions has said that at the time the State developmental and coordination plan goes into effect the State economic opportunity office takes over the function of the regional office of OEO.

Mr. QUIE. That is correct.

Mr. ERLENBORN. Is that completely accurate in the light of your comment now that applications that are submitted to the State economic opportunity office and are approved do not go on to the Director of OEO? Does not the Director of OEO at the present time have the final authority to approve or disapprove applications rather than the regional office?

Mr. QUIE. He does have the final authority. It still remains with him. But under section 253 he then reviews and indicates whether he will permit the State to assume that, just as now in the regional office, if there is approval of the plan, there is not a necessity for the regional director to send it down to the Director before they give approval.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. But to the extent that the approved application does not go on to the Director for final approval but receives the final approval of the State office, there is some power of the Director to take it away and it is intended to be taken away by section 253.

Mr. QUIE. That is right. If the approval of the applications under section 253 is not according to the developmental

and cordination program, the Director then can step in and bypass the State.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield for a last question?

Mr. QUIE. I yield.

Mr. ERLENBORN. At the present time it is the regional office and the Director who determine whether an applicant qualifies as a community action agency, which is a separate function from determining whether the function will be funded.

Mr. QUIE. That is correct.

Mr. ERLENBORN. Under section 253 will it be the State Economic Opportunity Office or the Director who determines who is a qualified recipient as a community action agency which conforms to the existing requirements of law?

Mr. QUIE. Section 253 does not change the present law in this regard. Section 253 applies only to the funds under sections 221 and 222.

Mr. ERLENBORN. So that the question of whether it is a qualified community action agency is left with the Director.

Mr. QUIE. Left with the Director; yes.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I have a number of questions.

I wonder if I am correct in assuming there is nothing in the substitute to prevent regional offices, although perhaps some of their personnel strength will be shifted to the State offices, from continuing to provide technical assistance both to a State desiring to formulate a State plan and to a local community action applicant.

Mr. QUIE. The gentleman is correct. The authority under different sections, which the Director uses, he can utilize through a regional office, just as other departments of the Government which deal through State plans. They still have regional offices.

Mr. RAILSBACK. They will still have regional offices and these regional offices will still be permitted to monitor and evaluate?

Mr. QUIE. That is right.

Mr. RAILSBACK. That is true under both sections 251 and 253 of the proposed substitute?

Mr. QUIE. That is correct.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes, and yield further to the gentleman from Illinois.

Mr. RAILSBACK. Under section 253 is it the gentleman's understanding that specific grantees that may comprise the State plan or the long-range plan, if they are known at the time the State plan is to be formulated, will be identified to the Director so that he can monitor, instead of just utilizing, say, information on paper? He can review, just as he now can?

Mr. QUIE. Yes.

Mr. RAILSBACK. I believe that answers most of my questions.

Mr. QUIE. Mr. Chairman, because I took time away from the gentleman from Iowa, I should like to yield my remaining time to the gentleman from Iowa.

Mr. AYRES. Mr. Chairman, how much time does remain?

The CHAIRMAN. Does the gentleman from Minnesota yield back the time remaining?

Mr. QUIE. I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Ohio has 2 minutes remaining.

Mr. AYRES. And how much time does the majority have, Mr. Chairman?

The CHAIRMAN. It is 17 minutes.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

(Mr. MEEDS asked and was given permission to revise and extend his remarks.)

Mr. MEEDS. Mr. Chairman, I rise in support of H.R. 12321, the Economic Opportunity Act Amendments of 1969. This is not the first time I have done so, and I hope it is not the last. I hope it is not the last because the problems of the less fortunate are still with us, although not so numerous as when we initiated this program 5 years ago.

Ardent program supporters realize that the gains may not be as great as originally anticipated, while pessimists look upon OEO gains as minimal. But, Mr. Chairman, I submit that the important thing is that there have been gains.

I think it clear we expected too much in the beginning. There were those of us who felt OEO would cure the pent-up domestic problems of our country in a decade. We were wrong. The problems of this country were not created in one decade and they will not be solved in one decade.

Early in our history, the problems of poverty were personal problems. They were dealt with by persons and families and were not considered matters of public concern. Later, kind-hearted individuals, religious and fraternal organizations attempted to alleviate the hardships and suffering of the impoverished.

Still later their plight became a matter of concern of the public. States began programs of providing subsistence for the hungry and shelter for the homeless. Programs for the aged were undertaken by States and counties. I can still recall when I was a very young boy hearing stories and feeling the sorrow of those who were at the county poor farm. During the 1930's the Social Security Act undertook to provide assistance for the very poor through the States.

Today we provide billions in public assistance programs to insure subsistence for the impoverished of this Nation. Periodically, Congress has revised the public assistance features of social security. In the House this legislation is always debated under a closed rule that does not allow us to offer amendments.

But, Mr. Chairman, all the programs, all the charity of which I have spoken is welfare—provision for subsistence. The Economic Opportunity Act does not provide charity; it does not provide a handout; rather it provides a helping hand so that the recipient is more able to help himself. Surprisingly, it is a relatively new concept. Regardless of our failure to recognize the validity of this approach, it is clearly effective and, in the long run, a less expensive program than simply providing subsistence.

If, by this legislation, we can provide the training, education, or motivation which moves one from the position of poverty to the position of a taxpaying productive citizen, the basic purpose of the act is fulfilled.

In our attempts to do this we have not always been successful. There have been some failures. Clearly the new concepts and programs have irritated established institutions and persons who generally oppose change. But if the shortcomings of our society are to be corrected, there must be change. The committee legislation for orderly change is an alternative to the revolution and violence of those in our society who contend we are incapable of peaceful and orderly transition.

The Office of Economic Opportunity has been a catalyst for the factors, factions, and demands of change. It has provided the impetus and funds for programs which seek to abolish the degradation and despair of poverty. While the goal of this agency should be to work itself out of a job, that goal has not yet been reached. We must allow this program to continue intact. Only one Government agency is concerned exclusively with measures to combat poverty—and this agency is the Office of Economic Opportunity.

And now, Mr. Chairman, I should like to direct my effort in behalf of three specific programs in this legislation: programs for the American Indians, for migrants, and for legal services.

INDIANS

The 600,000 American Indians are, as a class, perhaps the most impoverished group in our Nation. Average income is $1,500 per year, 75 percent below the national average. Unemployment is nearly 40 percent—10 times the national average. The dropout rate of Indian schoolchildren is twice the national average. Indian children have achievement levels 2 and 3 years below white children.

Why is this? No one knows exactly, but probably the reasons are almost as numerous as the theories. All of which serves to show that a diversified attack must be mounted if the problems are to be cured.

Last year approximately $23 million was utilized for different Indian programs under title II of this act. With grants from OEO, Indian tribes across this Nation funded economic development, education, housing, health services, and many other programs. The important thing is that these were programs which the Indians themselves have devised and implemented.

I suppose we all have our favorite theories as to the reasons for the Indians' present plight. Under my theory, benevolent paternalism is the culprit. Operating through the Bureau of Indian Affairs, we have for over a century been telling the Indians what their problems are, how to solve them, and when to solve them. Not so with Indian programs under OEO. For the first time they have had a chance to tell us their problems and suggest solutions, and we are watch-

ing with astonishment as they make their programs work.

A typical example is the aquaculture project carried on by the Lummi Indians in my own district. In some respects the Lummi aquaculture project is unique in its approach to the concept of helping a disadvantaged minority group break the "cycle of poverty." The Lummi Indian Tribe, numbering nearly 1,200 people, live on a small reservation immediately west of the city of Bellingham in Washington State. A 5,000-acre tideflat is part of the reservation. There, with the help of a number of Federal and private agencies, the tribe is developing an integrated seafood production facility.

They will grow, harvest, and merchandise seagoing trout, salmon, and oysters. The tideflat, useless in its present form, will produce an estimated $5 million per year gross income when developed fully. It will provide full- or part-time employment for a minimum of 650 people—the entire tribal work force.

All of this potential is possible within the framework of the Lummi Indians' history, culture, and tribal mores. It is an extension of their millennia-old tradition of extracting their livelihood from the sea. Descendants of the spear and net fishermen of old are now becoming college and laboratory-trained aquaculture technicians, marine biologists, business administrators, seafood merchandisers, and operators and proprietors of a tribally owned corporation. The Federal Government has invested more than one-half million dollars in the project. It should start showing financial returns next spring and summer.

Equally impressive programs in economic development are taking place on other reservations in this Nation.

The belief has long been held by some that the Indian people are not interested in education. While the education system we have devised for them leaves much to be desired, it is interesting to see some of the education programs the Indians themselves have developed. The doubters ought to attend some of their Headstart and adult basic education programs.

Anyone who has visited many Indian reservations has noticed the sad state of housing. This, like most deep-rooted problems, will not be cured in one generation. Nevertheless, it is impressive to watch the changes taking place on many reservations, because of housing programs operated by the Indians under OEO grants. Married men with families are being enrolled in construction skills courses and are also provided funds for the repair and renovation of their own dwellings—a kind of self-help, on-the-job training. Younger Indians are being trained in the construction trades and then, working with tribally operated construction companies, are building complete, new houses for Indian families.

These are just a few examples of the fresh breezes stirring on the Indian reservations in America. There are many other success stories. There are some stories of failures. But with a long history of failure in our dealings with the Indians, I regard it significant that most all of the successes have occurred under OEO programs in the last 4 years. Perhaps we are learning at last what the Indians have known for years. Success will only come when they are involved in the solution of their own problems.

But there are three areas of great concern for me in this otherwise relatively optomistic picture:

First, is the problem of the "off-reservation" Indians. Away from their friends and relatives, poorly trained, often subject to discrimination, the "off-reservation" Indian faces adversity not known to others. The funds provided under title II of this act are almost entirely provided through tribal organization on reservations. Very little is being done through OEO for the "off-reservation" Indians and small nonreservation tribes. I am pleased to note the funding, for study purposes, in my own State of a small tribes council which could act as a CAP agency for such programs in the entire State. More needs to be done to serve such groups and individuals who are not on reservations.

Second, the funding for Indian programs under title II is not earmarked. Under the former Director of OEO, Indians, in proportion to their numbers and special problems, have received a fair share of the unearmarked funds of that title. I have been assured by the present Director that it is his intent that they continue to receive a proportionate share. For this reason, I shall not propose earmarking. But, in the event there is additional title II earmarking with additional funds, or the present proportion of title II funds for Indian programs is cut, I shall thereafter insist on statutory earmarking provisions.

Third, and perhaps most importantly, I am disturbed about efforts of some of my colleagues to require title II programs to be State operated. For the American Indians, State control would not serve their best interest. The special obligations of this Nation to Indian people exist by virtue of treaties with the Federal Government. These are national obligations. No single State should be called upon to represent this Nation in its dealings with the Indian people. In addition, some tribal boundaries cross into a number of States. The lines of communication have historically been from the tribes direct to the Federal Government. Placing another level of bureauracy between the Indians and the Federal Government would, in my judgment, be disastrous to the operation of these programs which now show such excellent potential for freeing the tribes of bureaucratic indecision and inaction.

MIGRANTS

Mr. Chairman, if there is any other group in this country which is beset by worse conditions than the American Indian, it is the migratory farmworker. In 1968 the average family income was $1,490 and the average education level was 8.6 years. These facts are deplorable enough when taken by themselves, but when one realizes that in 10 years the average migrant's annual income has increased by only $11, it becomes catastrophic. In 1959, the average migrant income was $911. Today it is $922. The story of migrant education is equally appalling. In 1940, the average migrant educational level was 7.6 years; in 1967, 8.6 years. While this Nation has experienced a fantastic acceleration of its educational achievement, the migrant has increased 1 year in the past 27.

We often hear the charge made that "this did not just happen." In this case it did just happen. It happened because no official needed to answer to the migrant. Following the crops, a migrant family often sees 10 to 15 States in a year and three times as many counties. Whose charge is he? What school should serve his children? How can he pay for health services? How can children 7 and 8 years old be in school when their help is needed in the fields?

That the migrant has been an orphan of our system is illustrated starkly by his exclusion from the Social Security Act, unemployment compensation, and the National Labor Relations Act.

And so the sad plight of the migrants today plagues us because we have done almost nothing about it. As a matter of fact, Mr. Chairman, prior to OEO migrant programs we in the Federal Government spent more on migratory waterfowl each year than we did on migrant laborers and their families.

But the Economic Opportunity Act changed that. Today, under title III of of this legislation, we seek authorization of $34 million.

Much of this will be utilized as transition money. With the migrant problem we face not only a great responsibility, but a golden opportunity. By 1980, 10 short years, 40 percent of the jobs now filled by migrants will be done by machines. Both our challenge and opportunity is to smooth the road. We must provide special education and job training so that these people can be brought into the permanent labor force.

One alternative is, 10 years from now, to scurry about, wringing our hands, decrying the fact that we have additional 1 million people who are on public assistance because they are uneducated and untrained.

The other alternative it seems to me, is obvious. We must prevent this future problem. That is what OEO programs are attempting to do. We are providing schooling for the young people and skill training for their parents. We are providing special housing programs which will provide permanent residences for migrant families who are being removed from the migrant system with permanent jobs.

Young children of migrant parents are being taken from locked cars, tiny rooms, and the care of brothers and sisters barely their senior and placed in day-care centers. There they are acquiring the basic education which will later be used to acquire and hold permanent positions.

These programs, Mr. Chairman, are the proverbial ounce of prevention and they must be continued.

LEGAL SERVICES

I should like to present a few observations on the legal services program of the Office of Economic Opportunity, which is widely admired as one of the most effective OEO programs.

As many will recall, a legal services program was not included in the original Economic Opportunity Act of 1964. It was added in the 1966 amendments, along with Headstart and the comprehensive health services programs. Since that time, legal services has emerged as one of the most viable and visible manifestations of our national commitment to overcome the scourge of poverty.

The statutory mandate of the legal services program provides that it shall: "Further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assured maintenance of a lawyer-client relationship consistent with the best standards of the legal profession."

I submit, Mr. Chairman, that it is useful to keep in mind the language of this mandate as we consider both the successes which legal services has enjoyed and the problems it has encouraged.

The initial obligation of the legal services program is to furnish legal advice and representation to poor people. This mission is being accomplished with striking success. During the last 2 fiscal years, legal services attorneys represented over 1,100,000 persons in 49 States, the District of Columbia, Puerto Rico, and the Virgin Islands. During the current fiscal year alone, the program expects to serve 800,000 poor people. It is currently funding 265 legal services projects employing nearly 1,900 full-time attorneys in over 850 neighborhood law offices.

These attorneys furnish representation only in civil matters; they are precluded by statute from representation in criminal matters, except in extraordinary circumstances Thus, the problems they encounter involve the practices of unscrupulous merchants, loan sharks, landlords, and employers who prey upon the poor. They also involve the conduct of public officials charged with administering the welfare, housing, medical care and related statutes which vitally affect the everday lives of poor people. For most of these low-income clients, a trip to the neighborhood law office represents their first visit to a lawyer and their first encounter with the law as an ally, not as an adversary, as a positive instrument for resolving their grievances.

The quality of services these clients receive is also striking. During the last year, legal services attorneys have won favorable verdicts for their clients in about 70 percent of their litigated cases and negotiated favorable settlements in another 15 percent. That kind of winning percentage is the clearest possible example of the vigor and competence which the program has displayed. In addition, it has increasingly attracted the brightest and best qualified graduates of the Nation's law schools—young men who not long ago would have gone to work for prestigious law firms and large corporations. Today, one out of every 17 law school graduates, is going to work at great financial sacrifice, in legal services programs around the country. The Congress can take great pride in a program which has directed the energies and talents of so many of our brightest young lawyers to attacking the problems of the Nation's poor.

The statutory mandate under which it operates directs that the legal services program be carried on in a manner consistent with the best traditions of the legal profession. This mandate, too, has been scrupulously implemented.

Each legal services program is locally initiated. Applications for funding are prepared by citizens located in the community to be served by the program. A not-for-profit corporation is established to receive and administer Federal funds. From its inception, the legal services program has required that the board of directors of each of these corporations must be comprised of a majority of licensed attorneys practicing in the community. In this way, the program has encouraged vigorous participation by the organized bar as well as individual citizens in the operation of each legal services project. This local board of directors operates the program establishing plans and priorities, hiring staff, and making financial decisions. The lawyers on the Board are encouraged to insure that the program operates in a thoroughly professional manner.

When the legal services program was first being considered by Congress, the fear was expressed by some members of the bar that it would threaten intrusion of the Federal Government into private practice of law, which has historically been independent of governmental interference.

However, the bar was persuaded to take the lead in establishment of the legal services program on the basis of firm assurances that it would be operated in the best traditions of the legal profession in this country. A 1967 letter from Jacob Fuchsberg, president of the Roscoe Pound-American Trial Lawyers Foundation, and at that time a member of the National Advisory Committee on Legal Services, expressed the policy of the organized bar at the inception of the program:

> If providing counsel were to be meaningful, such counsel must exercise the same high standards of integrity, the independence, dedication and skill in their advocacy of the causes of the poor as was required of them for all other clients. They had to fully reflect the unique professional disciplines that had been developed and are enforced by the organized bar and by our courts as a *sine qua non* of justice under our adversary system.
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> For such inviolable professional and public policy reasons, under the leadership of the American Bar Association, and with the active participation of the National Bar Association, the National Legal Aid and Defenders' Association and the American Trial Lawyers Association, as well as numerous state and local bar associations, the lawyers of America necessarily joined their offer for full cooperation with the Program with an undertaking of continued responsibility with regard to the standards and guidelines by which it would operate.

The organized bar continues to be an effective and articulate supporter of the legal services program, and has fulfilled its pledge to participate effectively in the formulation and implementation of legal services policy. For their part, the individual legal services attorneys have amply demonstrated their dedication to the professional obligations underlying the role of attorneys in this country. And they have been joined in their efforts by many thousands of private attorneys who have contributed their talents on a volunteer basis to assist legal services attorneys. Almost a half-million hours of volunteer time was recorded by private practitioners during the last fiscal year—the equivalent of about 1,400 full-time staff attorneys.

Consistent with the best traditions of the legal profession, and also pursuant to the broad statutory mandate to "further the cause of justice among persons living in poverty," legal services attorneys have broken much new ground in asserting the interests of their clients. They have taken seriously the admonition of the legal profession's canons of ethics that their clients are entitled to any and every remedy afforded by the laws of the land. They have advanced new arguments, overturned old precedent and challenged unproven assumptions—and as I mentioned, most of the time they have succeeded.

Occasionally they have brought cases against government agencies and the public officials who administer them. This should not be surprising since hundreds of thousands of poor people rely upon the services furnished by public welfare and housing agencies, to name just two examples, and arbitrary or unfair conduct by these agencies may have a severe impact upon people who rely on their decisions for the very necessities of life.

Inevitably, some of the cases filed against public agencies are controversial, and provoke the claim from some quarters that Federal funds should not be provided for attorneys to bring suit against other tax-supported agencies. I reject this claim as it has been rejected by the American Bar Association, many responsible citizens, and by public officials too numerous to mention.

In the first place, there is nothing novel about one tax-supported group suing another. Airlines sue the Federal Aviation Administration, railroads sue the Interstate Commerce Commission, shipping companies sue the Federal Maritime Board, and farmers sue the Department of Agriculture. All of these litigants are subsidized by the Federal Government—and in sums far exceeding the budget of the legal services program. If we sanction litigation by these federally supported parties against the Government—and we unquestionably do sanction it—there can be no basis for refusing to extend the same rights to poor people to vindicate their rights and redress their grievances against government agencies through the use of lawyers financed in part by Federal funds.

Moreover, it seems to me that taxpayers would be first to applaud suits to enjoin unlawful conduct by the public agencies they support, and the first to condemn those who would insulate that conduct from judicial scrutiny. I would

venture that there is not a Member of Congress who has not at one time or another witnessed the arbitrary and unfair manner in which bureaucracy can stifle even the most meritorious claim. Can there be a Member who would insulate such bureaucracies from accountability for their errors? I would think not. And the fact that claims are brought by poor people should have no bearing upon this conclusion. Justice is the righting of wrongs; if there is no wrong, the courts will not respond.

The fact that some of these cases are controversial is no basis for criticizing them. I would suggest that courtrooms are clearly the most appropriate forum for such controversies to occupy. Our judicial system has been specifically designed over a period of nearly two centuries for the express purpose of resolving disputes among citizens and solving conflicts within our society. A recent report of the President's National Commission on the Causes and Prevention of Violence—the so-called Eisenhower Commission—reminds us, as if we needed reminding, that failure to provide access to courtrooms, where disputes can be resolved within the legitimate institutions of society, breeds despair and frustration which may ultimately find expression in antisocial and even violent behavior.

The strains and hostilities which poverty engenders are starting to be recognized by society. Often that recognition takes the form of consternation and distaste for those who bring their problems to our attention, for they do in fact represent the most perplexing dilemma facing our country today. But the problems in fact exist. Legal services did not create them; legal services is simply trying to grapple with them within the framework of our established institutions. So I say to the Members, let us welcome these controversies into the courtrooms and let us applaud the efforts of legal services in channeling conflicts into our judicial system and off our street corners.

A good example of legal services at work is the filing of suits challenging the practice by welfare departments of cutting off benefits without giving a prior hearing to the persons involved. Welfare recipients, by definition, depend upon their monthly welfare check for survival. Any interruption, no matter how short, imposes tremendous hardship on the individual and his family, and if the termination has been made improperly, the injustice is magnified.

A legal services attorney recently represented an 84-year-old woman who was notified by her State department of public assistance that her aid for the aged was being terminated at her request. But she told the agency that she had never requested that her benefits be terminated. She was reinstated 5 weeks later by court order pending the outcome of her suit challenging the constitutionality of cutting off aid without prior hearing.

Another suit involved poor persons on welfare who were forced to buy their food at high prices and at specified stores beyond walking distances from their homes. Evidence showed that the prices at these stores averaged 27 percent higher than at nearby supermarkets. The action was voluntarily dismissed when the city agreed to change its regulations.

Housing codes which legislative bodies around the country have deemed necessary for the protection of human beings, have been notoriously flouted by some unscrupulous landlords. Due to shortages in funds, the codes have been difficult to enforce. In suits brought through legal services programs, the courts have given the codes teeth, previously missing.

The confrontation with legal services, of which I spoke earlier, is the result of its success. Can it be, Mr. Chairman, that its very success will mean its downfall? If we provide no forum of justice for the poor, they will seek another forum—the street. And I think we have seen enough of that.

Some proposals are under consideration which interpose State Governors or agencies between the legal services lawyer and its client. I must oppose all efforts to prevent a legal services' attorney from following his client's case wherever it might lead. Mr. Chairman, if you or I were to hire a lawyer, he would pursue for us every remedy available at law. If limitations are placed on legal services, the poor man's lawyer may be forced to tell his client that the court's door has been closed.

These ill-conceived proposals only give credence to the shouts of dissident youth in our society who say that the system is so incapable of self-reform that it must be destroyed and built anew.

Are we so frail, so frightened, so unsure of ourselves that we will refuse the poor the means to challenge our institutions within one of the most respected of those institutions—the courts of this land?

Do we choose the streets and ghettos of this Nation as the place for confrontation, or will we decide upon the courts for our meeting place? Surely a mature, secure society will choose the courts.

Mr. Chairman, I hope that this discussion of several OEO programs has been helpful in our consideration of the pending bill. The amendments being offered to cripple the Office of Economic Opportunity represent nothing less than a crisis of understanding, a crisis of empathy. To abandon the good works of OEO would be to break a promise and to fertilize the seeds of cynicism and discord. Mr. Chairman, the President has pledged to "bring us together." We in the House can move toward this goal by continuing and strengthening the Office of Economic Opportunity.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

(Mr. SCHEUER asked and was given permission to revise and extend his remarks.)

Mr. SCHEUER. Mr. Chairman, in its short history, the legal services program has had a significant impact not only in improving the lives of poor people but also in changing the outlook of the entire community. Legal services lawyers have brought the reality of full representation into more than 800 neighborhood offices around the country. Disadvantaged groups for the first time have been given effective help in bringing their legitimate grievances to the bar of justice. Access to the courts has long been available to economically privileged people. Now poor people, too, can share in this basic right.

A little noted effect of the legal services program has been its influence on the legal and business profession in this country. Through the program, the needs and concerns of poor people have been articulated and given stature in a way that they never before enjoyed. Merchants are more responsive to their clients, rich and poor alike. Laws for the protection of the consumer have been adopted all over the country, often at the suggestion of the business community.

Litigation by legal services attorneys has received wide publicity in recent years. The cases challenging the validity of unfair consumer practices, welfare regulations, housing codes have generated broad interest in the problems of the poor, especially among members of the legal profession. It is significant that the most vocal support for the legal services activities has come from organizations such as the American Bar Association and the National Legal Aid and Defender Association. Lawyers in private practice have recognized the need for insuring the professional independence of legal services lawyers; they fully realize that any attempt to allow political interference in the operation of the program is a threat to the right to counsel itself. They recognize the need of poor people to have effective advocates.

Law schools, too, have felt the impact of the legal services program. In recent years, many top-ranking law graduates have chosen to work in neighborhood offices serving poor communities rather than joining prestigious law firms which pay high salaries. Law school curriculums have reflected this change in focus; the number of courses on poverty law, welfare rights, housing development has increased substantially every year. The curriculum of Columbia Law School, my alma mater, is a refreshing breath of fresh air, compared to the curriculum of a generation ago when I was a student there. The law schools' concern with maintaining the integrity of the legal services program is demonstrated by the petitions opposing the Murphy amendment or other limiting legislation which poured in from over 11,000 law students and over 85 law schools all over the country. Such concern should not be treated lightly.

Mr. Chairman, OEO's legal services program is no panacea; but it is an effective program. It deserves our support.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from North Carolina.

(Mr. PREYER of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the OEO

program. I have been critical of a number of aspects of the administration of this program but am encouraged by the progress that has been made in eliminating some of the deficiencies in the past, and I think the President and his new Director, Donald Rumsfeld, should be given the opportunity to make good on this program, as the President has requested.

There are a number of OEO programs whose usefulness is widely appreciated—for example, Headstart, with its emphasis on the preschool, formative years, so that children are not so far behind in the first grade that they never catch up; the excellent family planning program; and JOBS—Job Opportunities in the Business Sector. The latter program involves private business in the recruiting, training, and hiring of unemployed and low-income persons and will place 60,000 hard-core unemployed in 1970. But the abuses in some other OEO programs areas spill over in the public's mind to all programs, and there is a risk that we will overact and throw out the baby with the bathwater.

I should like to comment on two areas of the program that have been most criticized in my State—the community action operations and the legal services program.

The most serious abuses in some of the community action programs are a matter of genuine concern. There has been needless turmoil and unproductive controversy. I could not support this aspect of OEO unless I was convinced that we have an understanding of why these abuses occurred and that they can and will be corrected. How did community action programs go wrong in so many instances? A principal reason is that the original theory behind these programs was that there should be no control of any kind over these programs but that they should be entirely unfettered exercises in "participatory democracy." This may have worked had it not been that these CAP operations viewed the local government as an enemy to be confronted, rather than as a group with resources to be utilized by CAP. Confrontation is now being replaced by partnership, alienation is being replaced by alliances, and practical achievements are the result. Also, the lack of coordination of programs within a State has been helped by greater emphasis being placed on the participation of the States in the planning and supervision of the local programs. New administrative regulations are being drawn up to carry out these ideas.

I have had the opportunity to talk with Mr. Donald Rumsfeld, head of the OEO, on several occasions concerning the CAP and some of the disruptive personalities involved in it in my State and am convinced that he is aware of the shortcomings of CAP and is taking effective measures to correct them. President Nixon and Mr. Rumsfeld should have the chance to show that they can solve these problems and develop a workable program.

The legal services programs have received much unfair criticism—unfair, because it is not the legal services program or the manner in which it is administered, which causes trouble but the lawsuits themselves. It has always been the lawyer's lot to have the public confuse the lawyer with his case. It has been the crowning glory of the lawyer that he continues to represent unpopular causes out of a sense of duty and out of respect for the ethics of his profession. For example, a migrant worker's lawsuit charging a county government with poor sanitation conditions is not likely to be greeted with enthusiasm by the local county commissioners. It does not mean that the OEO is attacking sanitation conditions in the county. What OEO does is to provide an impartial lawyer for someone—a client—who wishes to attack these conditions. And the fact that this is possible gives the migrant worker the option of bringing his complaint through the judicial process. Otherwise, he might seek redress in other less orderly ways. The Eisenhower Commission on Violence has emphasized the importance of the legal services program in providing remedies through orderly judicial channels as an alternative to violent methods of complaint. The American Bar Association has recommended a substantial increase in funds for this program for the same reasons. We argue that violence is unnecessary in this country because there are orderly ways of redressing grievances. This program helps make this claim a reality for without it most of the poor have no legal services program. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains achieved by the program. The threat of restrictions will cause the poor to view the program as one more paternalistic handout, meant to deceive but not to help effectively. It will only make them more cynical.

Any amendment which would give the Governor of a State veto power over the program should be defeated as a totally unwarranted invasion of the judicial process. We do not allow a Governor to interfere in any other kind of lawsuit and to allow him a veto power of funding and refunding programs would allow him to influence the judicial process and permit him to destroy the program. The lawyer should be subject only to the ethical standards of the profession. These standards have a long and honorable tradition; I trust them to provide a fair result more than I do the political winds and vagaries of popular opinion that will be brought to bear on a Governor's veto. We should never sanction political interference with the attorney-client relationship, just as we should resist all efforts to politicize our courts. We are tampering here with the foundation upon which the rule of law rests.

The legal services program is a visible demonstration of equal justice to the poor, a demonstration that they have redress to their grievances through legal means rather than through illegal demonstrations. Let us remember that those who make peaceful revolutions impossible make violent revolutions inevitable.

All of the OEO programs are a visible demonstration of concern to the poor, and especially the black poor. They represent action rather than promises and so help bring about reconciliation between our people. Because there have been abuses, we must not lose sight of the main thrust of the program in attacking root causes of unrest in this country. Some of its programs are controversial but we must not lose sight of the forest fires because of the burning trees.

Unfortunately, OEO has been oversold in the past, leading to false expectations that it would end poverty. Of course, it will do no such thing. But its goal is a valid one: To find better ways to help the poor. None of this is to excuse the blunders that have been made in the program. But we must realize that such a program has never been attempted before, and we have had to make our own mistakes in the learning process. When we find that a part of the program is not working or is too expensive, then we should come up with a better way and continue to move forward.

The OEO, while far from perfect, is on the right track: For it seeks to make the poor productive and not make them wealthy. The Government has not enough money to make the poor wealthy but Government can make the poor productive, so that they can make themselves wealthy.

The OEO programs say to the poor and the black that there is a great reservoir of good will toward them, and that our country is making a great effort to improve their lot. Unemployment is especially acute among Negroes, already so alienated from society, and the young. One-fourth of all Negro boys and one-fifth of all Negro girls cannot find jobs. Such a young person is cut off from his chance. Fulfillment, the flower of freedom, is denied them. OEO programs will not eliminate poverty. It may be, as the Bible says, that "the poor shall never cease out of the land." But these programs have an important bearing on the personal morale of the young person—they help them make his own escape from poverty. We now know that poverty is self-perpetuating. We must do something to break the cycle. It is difficult to evaluate the achievements of the OEO in breaking the cycle. Some of the programs have promised too much and delivered too little. None has been perfect. But we must not let the best be the enemy of the good. We can and should make improvements, but we must not destroy the program. To do so is to crush hope and opportunity.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from California.

(Mr. TUNNEY asked and was given permission to revise and extend his remarks.)

Mr. TUNNEY. Mr. Chairman, in May of 1966 California rural legal assistance was granted $1.3 million by the Office of Economic Opportunity to become the first legal services program in the Nation especially designed to assist rural poor people. It operates nine regional law offices spanning some 650 miles and serv-

ing a poverty population of 550,000 in 16 California counties.

Since its inception it has been generally regarded as one of the most highly skilled and successful legal service programs in the country. In 1968 CRLA was designated as the outstanding legal service program in the country by the National Advisory Committee for Legal Services and one of its lawyers was named the outstanding poverty attorney in the nation.

I suppose it is inevitable that a successful organization of lawyers will kindle opposition from those who are on the losing end. In the case of CRLA, its high-quality work has resulted in a very high percentage of victories for its clients. During the last year, for instance, CRLA clients prevailed in 83 percent of its cases decided in court. Furthermore, CRLA clients won 90 percent of the 1,600 cases decided in administrative hearings. This does not take into account the 2,000 plus settlements CRLA attorneys won on behalf of their clients.

I would like to discuss some of the political attacks and other criticisms made of CRLA. The earliest criticism was that poor people should not be allowed to bring suits against State and Federal Government agencies. In fact, in 1967, Senator GEORGE MURPHY, of California, offered an amendment to the Economic Opportunity Act to prohibit legal service programs from suing governmental agencies.

The argument was, that since government funds are used to pay legal service salaries, government agencies should be immune from lawsuits. The fact that public defenders have long been hired by the government to represent indigent clients against government prosecution was seemingly overlooked. This criticism in 1967 came after CRLA attorneys had obtained a Federal court order and a settlement from the U.S. Department of Labor protecting the jobs of American workers from importation of bracera labor, and after the California Supreme Court ruled in a case brought by CRLA attorneys that the State government had acted illegally in depriving poor people of medical benefits. The argument obviously was not that legal service attorneys were taking cases that had no merit, because in each of these two cases, CRLA clients prevailed. The American Bar Association strongly opposed the 1967 amendment on the ground that it would be in violation of the canons of legal ethics, preventing attorneys from raising all defenses and claims to which their clients were entitled. Congress then rejected the notion that State and Government agencies should be subject to having their actions reviewed only by those who can afford it.

A second criticism that has been leveled at CRLA is a claim that it handles too many law reform cases and too many class action cases. As with all legal service programs, the substantial majority of cases handled by CRLA have involved a single problem for an individual client. From July 1, 1968, through June 30, 1969, CRLA attorneys handled 15,423 legal problems. Of these, 13,820—or 89 percent—involved a single client. Most of the remaining 11 percent involved drafting of bylaws for organizations, negotiating leases on contracts, and in some cases, litigation. CRLA attorneys filed 63 class actions—less than one-half of 1 percent of the program's total caseload. It might be well to examine some of these more politically controversial cases.

In Hernandez against Hardin, suit was brought on behalf of hungry children in Hollister, Calif., to require the State and Federal Governments to institute a food program in San Benito County. The facts showed that under State law seeing eye dogs received a better diet than most poor children. Children residing in every county surrounding San Benito were provided with surplus food or food stamps, but solely on the basis of county of residence, those in San Benito were ineligible.

It is interesting to note that after the case was filed, the California attorney general and Max Rafferty, superintendent of public instruction in California, joined with CRLA in seeking a court order to change the situation. As a result of the action, food is now provided to the eligible in all 15 California counties which were not participating in a food program when this suit was filed.

A second case, Macias against Finch, was a class action filed on behalf of 22 low income children against the Federal-State "don't work rule." Welfare rules provide all needy children with welfare and medical assistance, including children whose fathers are unemployed or ill or who have deserted them; however, because of the "don't work rule," needy children of fully employed fathers get no medical or welfare assistance even where their fathers' pay check is half what would be received if he didn't work and instead received welfare. The children represented by CRLA asked that their fathers' wage be supplemented to receive the same amount as children whose fathers do not work.

A third case, Munoz against California Department of Employment, involved enforcement of California field sanitation laws. The record included testimony from 107 witnesses documenting 1,869 growers violations of the law. The investigator for the California Division of Industrial Welfare testified that over 90 percent of all agricultural employees are in violation of the law, endangering consumers as well as farm workers. The Sacramento superior court, in light of this evidence, ordered the department of employment to investigate agricultural employer field conditions before referring workers to farm work.

Other recent CRLA cases involve, first, a claim of unfair competition by growers who knowingly, deliberately, and systematically employ illegal aliens costing U.S. farmworkers and taxpayers $131 million a year in wages and welfare support; second, a ruling by a Federal court in San Francisco that the welfare department may no longer require needy Catholic mothers to file for divorce in order to qualify for immediate aid for their children; third, suits to compel enforcement of State laws establishing the minimum wage for women and minors in agriculture. Again this suit was won; fourth, a case challenging the exclusion of farmworkers from unemployment compensation, pointing out an estimated annual savings in California welfare costs of over $7 million; and fifth, a petition to the Food and Drug Administration to eliminate the tolerance on DDT because scientific evidence shows that the chemical causes cancer in test animals. Less than 30 days after the petition was filed, HEW Secretary Finch announced plans to phase out uses of DDT.

The only other criticism which has sometimes been directed against CRLA is the claim that CRLA, in representing farmworkers, has become involved with the farmworker union in Delano. Of course, conditions in the CRLA grant prohibit its attorneys from bringing suits on behalf of any union. In November 1967 the General Accounting Office conducted an investigation to determine whether CRLA had violated the terms of its grant. A 12-man team of GAO investigators spent 3 months examining documents and interviewing those who made allegations against the program as well as CRLA staff. In May 1968 the GAO released a 50-page report which cleared CRLA of all charges brought against it.

Since the criticism of CRLA does not go to the quality of legal work CRLA attorneys provide to their clients, it is fair to say they are philosophical in nature and touch on the question of just what relationship a legal service attorney should have with his client. I think that the continued success of the OEO legal service programs depends upon the resolution of this question.

The American Bar Association, in opposing the placement of absolute veto power in the hands of a Governor, said that doing so is "highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or ommission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of majority; and whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen."

Because the side effcts of this amendment may be to eliminate or circumscribe vigorous and complete legal services for blacks and other minorities seeking to see that the law is enforced through the courts, the unfortunate effect may be to leave them the streets as their only available tribunal. If respect for the law is to have any meaning, it is of paramount importance to see that the poor are permitted full and effective use of the legal system.

As Chief Justice Burger stated to the 10th Circuit Judiciary Conference on July 1 of this year, legal services for the poor can only be effective if they

are wholly removed from political conflicts and from executive control.

If grievances, frustrations and discontent are to be resolved in courts of law and not in sidewalk confrontations and if we are to achieve equal justice under the law, this amendment must not become law.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Missouri.

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Chairman, finally, the time has come to test the wisdom of the House of Representatives. It is time to demonstrate that the Congress is fully aware of the unfortunate priorities which exist in this country. It is time for the Congress to show its concern for the domestic welfare of the Nation.

The trials and tribulations of even reporting a poverty bill to the floor of the House do not offer hope for the effort to reverse national priorities. The hearings and debates on this legislation have stretched over most of this current year. And here we are—yet without a united effort from a committee whose responsibility must be to effect the new priorities it knows are necessary.

Today, my hat comes off for the chairman of our committee, the gentleman from Kentucky, CARL PERKINS. His tireless though exhausting devotion to this legislation—to the truth about poverty and about the programs designed to bring some relief to poverty—are no less than noteworthy. I have observed a fearless legislator take on an uphill battle in stride. I feel privileged to serve on a committee chaired by such a distinguished and committed Member of Congress. May I assure him, the people of my congressional district—poor people throughout this Nation—shall not forget his efforts.

The leadership he has provided is, today, being challenged by those whose distorted and naive views of poverty in this Nation threaten to kill all hope for addressing this tragic national problem with a realistic solution. The extensive hearings before the ad hoc task force on poverty on which I served, left no doubt about the clear need which exists for a more complete and extensive commitment to the eradication of poverty and the conditions bred by persistent poverty. The programs of the Economic Opportunity Act were designed to cope with the problems we have lived with in the First Congressional District of Missouri. We have witnessed the positive results produced by the Head Start program in our neighborhoods. We have participated in the community action programs. We are aware of the pitfalls of the problems—and most of all, we can demonstrate some expertise in discussing the needs of inner-city citizens because we live with these needs daily.

It is in this legislation which we consider this week—that the truth about our national priorities and commitments comes clearly to the surface. It is in and through the consideration of this legislation whereby the membership of the House makes its mark—when lip-service is translated into meaning—for alleviating the tragedies of a free Nation, or for resolving that there will always be slums and people to live in them.

It is disgraceful that this Government and this Congress can support the spending of $77 billion on defense—but only $3 billion on education. It is disgraceful that this Government has insisted upon and won a $5 billion expenditure for a G–5A airplane, while it spends less than $2 billion on the poverty program. It is a disgrace that we can spend $40 billion in space exploration but only $86 million to research a cure for cancer.

It is a shame that Americans sit back while we spend $20,000 just for the ammunition to kill each Vietcong and only $53 to educate each American child. Americans are spending more than $200 million just to get one rocket to the launching pad—but only $550 million for the entire school lunch program.

These are the things that should cause Americans to bow their heads in shame. The disgrace lies—not in the fact that hunger and poverty exists—but in the priorities which unfortunately now predominate in this Congress and Government.

When the Congress is told the military need more guns and ammo for Vietnam, the Congress votes the money. But when the Congress is shown the evidence to prove that 22 million poor and 13 million near-poor Americans are desperately in need of food, the Congress debates, the Congress marks time, the Congress engages in political maneuvers, and finally, the Congress consents to approve only a fraction of the sum necessary.

If we are ever to claim the greatness of this Nation, the facts about our priorities must be brought to the surface. Americans cannot always keep their eyes toward the sky and their hopes on the moon—the future of the Nation lies here on the solid ground and our hopes must be found in the faces of all the people who live on this American earth.

To those who are banking on the silent majority, I would say that I believe it is because Americans have not gotten the facts, because they do not really know where the bulk of their tax money is going, that they are silent. It is this silence which some misinterpret as approval. I just do not believe that Americans—when they know the facts—will be silent.

Let us consider once more the extent of poverty in this country. According to official figures, there are 22 million poor people in the Nation, an additional 13 million near-poor and of this number 5.1 million people are classified as the very poor, since they have no cash income at all; and 9.3 million of these people are in the category of "hard-core poor," which means they live in families whose incomes are less than $2,400 per year for a family of four. The remaining poor are the 10.6 million people whose incomes are between $2,400 and $3,600 per year.

We are not reaching these people. Public assistance programs serve only 40 percent of the poor people. The assistance payments provided in some states are less than 50 percent of what the State itself considers a necessary standard.

In spite of the statistics of the fact of poverty stricken Americans, it is pretty hard to convince people, including Congressmen, that there are 22 million Americans who are living in destitute poverty and hunger. We do not want to believe it could have happened here. We certainly do not want the rest of the world to believe it.

Hunger and poverty have been hard to establish because the victims are hidden from view of the masses of our public. They are concentrated in slums—we dare not drive through. They are in mountains we do not visit. They are in remote rural areas that we see only as beautiful green pastures as we fly over them.

Americans must learn that a man in rags is not always a drunkard or a junkie. Americans must learn that an unkept pregnant mother is not always carrying an illegitimate child—that she probably has no knowledge or access to birth control—that she probably will have no doctor's care in carrying and delivering her child—and that her child is probably already cursed by her own malnutrition.

Until Americans—until Members of the Congress—spend as much time trying to understand as they do trying to condemn poverty, we cannot become a great nation.

In this country, we cheer success and we boo the failures. We are all conditioned to the great American success stories of "rags to riches." If we see a man in rags, we wonder why he has not worked for riches. That, indeed, is the nature of most concern for him.

It is a distorted idea which has been planted in the minds of Americans—that poverty stricken Americans are responsible for their poverty—that hungry Americans are lazy, dumb, undependable. The truth is that many poor Americans appear lazy, may be retarded and consequently undependable, because they suffer the effects of long-lived hunger and malnutrition. Untold numbers of these people are actually starving, without food for days at a time—subsisting on starch and Kool-Aid, dog food and tree bark. Severe malnutrition, which shortens life and limits physical and mental growth is evidenced throughout this land of plenty.

When former HEW Secretary Wilbur Cohen testified before our committee early this year, he pointed out that every retarded child produced in this country will cost between $100,000 and $150,000 to take care of during its lifetime. His conclusion is that spending a couple hundred dollars a year more on the food programs for a family—to raise the nutrition level—is more than warranted.

The answer so often given is that we cannot now afford to assist these hungry, poverty-stricken people. It has been said on the floor of this House that we should spend—but we cannot now afford to spend for the poverty programs. But I am here to tell you today that we cannot afford not to spend this money—that we cannot afford not to fund poverty programs, which are starting to have an impact upon their target areas.

Whether or not the lack of any commitment from this Government stems from a lack of understanding or mere political considerations is not important. Commissions and committees and councils have documented the facts on the nature of the effects of poverty. Information is readily available. The books have said what some of us know from experience to be true about ghettos, about hunger, about social, economic, and political deprivation. You do not have to be poor to understand it, if you are literate and willing to open your mind to the truth.

Mr. Chairman, I am accurately reflecting the views of many of my constituents. We have waited long years, we have looked for hope, we have prayed for a national understanding of government's responsibility to act on these problems. We want to act within the system, but you cannot expect us to do so if we are not given entrance into that system.

I want, now, to call attention to several programs which are of particular interest to the people of my district. We support the continuation of the comprehensive health services program initiated in 1965. In February of this year, such a project was funded in the city of St. Louis. In cooperation with other community efforts, some federally funded, we are hopeful that the health needs of poor people will be recognized and met.

Many of the poor who use their local neighborhood health center find themselves being treated by doctors for the first time in their lives. The otherwise often critical General Accounting Office report on the programs of OEO said of the comprehensive health services program:

> Many of those reached have been provided with their first affiliation with readily accessible medical care on an unfragmented basis.

The neighborhood health center has become the major element of the comprehensive health services program. Through this program, service can be aimed also at the prevention and treatment of narcotics addiction, and the rehabilitation of narcotics addicts. This is one of the great problems in our urban poverty areas. It is only relatively recently that the country has begun to face the problem of drugs addiction in its proper perspective and to search for ways to deal with the situation as a whole. These programs are, however, so minimally funded that the intent of the law is only an intent—and not established through implementation. This program should be given the resources to move on drug addiction.

The need for increasing the funds for this program is clear. It is this program—particularly through the neighborhood health service element of it—which is showing hope for making a difference in the health care problems traditionally associated with the poor: infant mortality; the great likelihood of sustained, debilitating diseases; malnutrition-related health problems; mental retardation; and shorter life expectancy.

But there are only 49 comprehensive health programs in the Nation serving an approximate 300,000 people. The neighborhood health centers operate in only 23 of the 50 States. It is documented fact that the total poor population goes without necessary health services—and this program is reaching only a fraction of those numbers. There is hope that the program will be expanded to enable it to serve at least 1 million poor people, but these are cautious hopes which rest upon our action here today.

I am further concerned that title V, part B, of the OEO law has not been made a reality. This is the provision for day-care centers for children of families who need such assistance to remain—or to become self-sufficient. The need for day care is raised frequently in this body. There is much talk about providing it through this, that, or the other law—or a combination of several laws. But the fact is that other programs are not adequately serving the low-income population, and the need for these services goes unmet.

We are not so concerned about who provides the service, but no program is providing day-care services for the poor.

Through OEO, in 1967, the Emergency Food and Medical Service was initiated to serve a purpose not incorporated into any existing food program for poor people. It is shown that many people do not participate in the food programs simply because they are not identified, found, or put in touch with the food.

Of the 3,098 counties in the United States, 1,125 choose to participate in the commodity distribution food program. But fewer than 12 percent of those counties serve as many as 60 percent of the poor people in their areas who need the food. Some 1,139 counties participate in the food stamp program and only 20 of those counties manage to serve even 60 percent of the people who need stamps. On the average, food stamp counties reach fewer than 20 percent of the people eligible.

There are seven States in the country which refuse to participate in the food stamp program. And there are 413 counties in the United States which have no food program at all.

Our responses to the hunger needs of poor people are no less than disgraceful. Recently, the State of California Legislature passed a law to require that all counties in California participate in the food stamp program. But the good Governor of that State vetoed the bill. In light of this one example, it makes no sense to maintain that State and local communities should have the reins of control over programs for the poor.

The House Committee on Agriculture decided yesterday, I understand, that the McGovern Senate bill for a much-expanded food stamp effort is not worthy of Federal funds—one more slap to the hope of poor people. A family which is poor has only one chance in three of living in a county which has a food stamp program—and if it happens to live in such a county, it still has only one chance in six of participating in the program.

Through the special OEO program, EFMS, the participation of poor people in Federal food programs has been increased as much as 25 percent in many counties. Though this program—and only through this program—are outreach efforts made. The EFMS has demonstrated success and it deserves meaningful expansion with funds to accomplish its objectives. OEO budgeted only $30 million for this program in 1970—having spent $24 million in 1969. It would require $25 million just to keep the present programs operational. No new programs could be contemplated and existing programs could not, on these funds, be expanded. Our committee has given special emphasis to this program and is requesting an authorization of $92 million for EFMS. I hope the House will respect that emphasis.

I am particularly concerned that the special impact program, title I–D of the act now before us, be stressed by our action today. This title provides for comprehensive community and economic development programs in urban poverty areas and in rural areas having high rates of out-migration to urban ghettos. This program deserves and requires a concentration of funds if it is to have any appreciable effect on unemployment, dependency and community tensions within urban ghettos.

At the beginning of the program, in fiscal years 1967 and 1968, a number of models for special impact programs were tried. The Agriculture, Commerce, and Labor Departments and OEO all sponsored I–D programs in an attempt to test different approaches. Out of this experience emerged the model of a community development corporation, representing a partnership between inner-city residents and the business community. The purpose of the community corporation is to mobilize resources for the economic development of the inner-city and rural areas. The critical notion is that the people of a poverty area, given the aid and assistance of the local business community, can develop the business enterprises that blighted areas so desperately need.

Let me give you an example of how the recently funded special impact program in the Union Sarah area of St. Louis is working. Union Sarah is the center of St. Louis. The area has a population of about 40,000, 50 percent of whom fall below the poverty standards. Unemployment was almost 40 percent higher than the citywide average in 1960 and is much greater now. Most of the multifamily dwellings are between 50 and 75 years old. Blight is widespread as is poor health, inadequate education, and drug addiction.

In the course of a few months, the residents have organized for an effective special impact program. They have developed programs for several manufacturing plants, retail shops, a fund to help local struggling contractors with loans and technical assistance, and a credit union. They are also in the process of filing for the sale of stock to community residents to support their program.

I think that this program is one of the most promising that I have seen. It not only provides jobs and management opportunities in the ghetto areas, where the poor are, but it provides the incentive for people to develop their own energies and talents. It is self-help in the great

traditions we talk about in this country.

Similar efforts are going on in other parts of the country. In Bedford-Stuyvesant, in Hough, in Chicago, in Washington, D.C., and in a number of rural areas where many of our problems begin—in eastern Kentucky, in Georgia, in southwest Virginia, and in North Carolina.

Mr. Chairman, the special impact program is an intelligent, responsible approach to urban problems.

Mr. Chairman, these are only a few programs of the total OEO effort which must, like the others, continue to operate without the inhibiting proposals for State control of poverty efforts which will be offered here today.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

(Mr. KOCH asked and was given permission to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, the legal services program of the Office of Economic Opportunity is committed to providing equal justice for American citizens who happen to be poor. The legal services program does this by providing vigorous representation against what citizens of ordinary means would regard as outrageous persecution.

However, I am deeply concerned to see that the efforts of this program are being threatened by amendments which would provide an item veto over the legal services program and would eliminate the OEO Director's right to override a Governor's veto of a legal services program.

One of the main arguments for the adoption of this particular amendment is that legal services attorneys have been filing suits against Government agencies on behalf of the poor. Since, of course, all citizens are allowed to file suits against any Government agency, the problem cannot be merely the existence of such suits for the poor. Apparently, proponents of this amendment feel that Government-paid attorneys should not challenge the activities of other Government agencies.

I would like to point out that there is ample precedent for such activity. The Department of Justice, for example, often goes to court to insure State compliance with a Federal law. States and cities frequently oppose Federal decrees and orders in antitrust and other areas. The attorneys in these cases are Government paid.

I do not feel that it is unusual or harmful for the poor to turn to the legal services program for assistance against another government agency. After all, if legal assistance is unavailable to the poor. would we rather they turned to violence as a means of announcing their dissatisfaction with a Government agency?

In fiscal year 1969, legal services program attorneys, working from 850 law offices in poverty communnities throughout the country, assisted poor persons in 610,000 cases. Of cases which went to court, the lawyers won favorable decisions for their clients in around 70 percent and negotiated settlements in an additional 15 percent.

These are impressive statistics. They are so impressive that I would like to transfer them into more human, concrete terms.

These figures speak of poor families who were restored welfare benefits upon which they relied for their food, health care, clothing and shelter. They tell of aged citizens whose Social Security benefits were mistakenly cut off and later restored. They speak of job opportunities which could have been lost forever because of discriminatory hiring practices.

They reflect the resolution of intolerable family situations, of obtaining custody of a beloved child, of support funds secured from a deserting father. Hidden within these figures are the faces of wayward children who were given the opportunity to start again with an unblemished record before society, and the histories of youngsters able to complete their education after the threat of expulsion.

Then there are the numbers which stand for evictions and resultant family separations averted, for garnishments and inevitable job losses forestalled. And not least, there is also a long column for citizens who found protection against the fraudulent practices of unscrupulous lenders and merchants.

But among all these totals are victories in the long run perhaps even more significant than the many individual financial losses and other human suffering which were prevented. For these 610,000 cases have resulted in a new respect for law and our legal process among poor persons. They have fostered the growth of a sense of dignity, of a realization of being treated fairly by the "system." They reflect civil disturbances which were and will be prevented because the poor of this country know they can achieve a just resolution of their grievances in a peaceful, orderly fashion with a capable attorney at their side.

I am as impressed as anyone by numbers, and wish to give the Program credit for their remarkable statistics. But in addition, I must also congratulate these dedicated attorneys for contributions which can never be reflected in numbers: the conferral of dignity and self-respect on our poor citizens, and progress toward a more just and stable society.

Any attempt to curtail this vital program should be defeated.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK asked and was given permission to revise and extend her remarks.)

Mrs. MINK. Mr. Chairman, poverty amid plenty is a paradox this Nation set out to resolve 5 years ago when we declared war on poverty. The struggle over these years has been intense, and while we are unable to report that final victory has been won, considerable progress has been made.

The most significant progress is that we have established a framework for a new assault on poverty. We have created and stimulated individual concern among the poor themselves. We have given them the opportunity to plan for their own betterment. We have abandoned the usual traditional route of Government spoon-feeding. Anytime such innovation is attempted it can be expected to raise a large howl within the establishment.

President Nixon, while withholding full and unconditional endorsement for this program, is at least on record in support of a 2-year extension of the Economic Opportunity Act of 1964. His Director of the Office of Economic Opportunity, our former colleague, Donald Rumsfeld, has indicated support of a straight 2-year extension so that he will have an opportunity to review and survey the program and offer his own recommendations for change. The President's spokesmen in this House instead want to emasculate the poverty program by converting it to a State-planned, State-administered, and State-initiated program for the poor. Obviously, there are many Governors who would like control over these Federal funds. Just as obviously it will be spent in the same old traditional way. The "breadline" handout of charity will be the custom of the day again. It is admitted that it has not worked. If we really want to abolish poverty, if we really want to give new hope to the children of the poor, we must not abandon them now. If this substitute amendment carries we will have retrogressed. We will have lost all the ground we turned over. We will be back at the very beginning—we will only have programs for the poor; none by the poor.

There is no room for compromise. Either we believe in human equality, in human dignity or we do not. Either we believe that the poor are entitled to plan their programs of self-help or we do not. Either we have the confidence in the people, all people, including the poor, to know what is best for themselves, or we do not. We cannot legislate a little bit of equality, a little bit of dignity. What this House does today is critical. If we defeat this substitute State control amendment, we will renew and fortify the belief we first expressed that the poor have the right to participate in, direct, initiate and implement local community programs for their own self improvement.

The overall effect of the State turnover amendment will be to mute the voices of the poor who have been striving to make themselves seen and heard by affluent America—for the greatest friend of poverty is public apathy, and its greatest enemy is disclosure. When our people know about the existence of poverty I am confident they are willing to do whatever is required to end it. But they will never know about it as long as the poor are kept suppressed and confined to a client in the ghetto far from the green acres of suburbia.

Our poverty program has sometimes been noisy and it has stirred discontent—but that is precisely what must be done if we are to succeed in our war against poverety. There must be change in a fundamental way if this effort is to succeed.

For the many poor we have already helped since the enactment of the Economic Opportunity Act in 1964 shall we roll back the hope we have offered them and crush their new confidence in themselves and in their Government? I hope not.

The measure of success of this program is in the hearts and lives of these whom it has helped. That is what the poverty program is all about, and I urge my colleagues to extend this law by voting for H.R. 12321 without any crippling amendments.

Mr. HOWARD. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. MINK. I yield to the gentleman from New Jersey.

Mr. HOWARD. In reply to a question which I asked a few moments ago of a Member in the well concerning the Governor's veto, he stated it is the same in both bills. Is that the entire story concerning the Governor's veto?

Mrs. MINK. No. Under the present law the Director of the Office of Economic Opportunity has the power to override the Governor's veto. However, the substitute amendment would leave the absolute authority in the hands of the Governor of the State.

Mr. HOWARD. I thank the distinguished gentlewoman.

Mr. AYRES. Mr. Chairman, I yield the balance of our time to the gentleman from Iowa (Mr. SCHERLE).

(Mr. SCHERLE asked and was given permission to revise and extend his remarks.)

Mr. SCHERLE. Mr. Chairman, the proposed substitute has been called a crippling amendment—this is not true and everyone knows it. OEO is crippled but the damage has been self-inflicted.

The "track record" of OEO makes it crystal clear that a thorough "shakeup" in the entire structure is needed sorely and long overdue. The bill reported out of the House committee recommends no substantial changes in the operation of the current scandal-ridden poverty program except to increase the amount of money that will be historically squandered.

Since its inception in 1964, the Office of Economic Opportunity has spent more than $7.5 billion—with a crumb of this immense sum reaching the poor but plenty lining the pockets of the self-appointed do-gooders appointed to administer the program. It would be the height of folly for Congress to vote additional billions for OEO without a full reorganization. I hope the professional poverty cats have had their day—now it is time for the poor.

The proposal for another study to pinpoint OEO shortcomings is futile and repetitious.

There have been studies galore. OEO itself has spent some $30 million on surveys and analyses of every conceivable kind—wholly to no avail. The General Accounting Office, on express congressional orders, made an exhaustive study at a cost of more than $1 million. Its 188-page report contained numerous constructive recommendations. Nothing has been done with these reports—except to gather "dust" in the offices of the OEO lounges.

To spend more money and time on more of this would be utterly ridiculous. What is urgently needed is a "top-to-bottom" housecleaning forthwith and implement basic changes in concept and administration.

For example, there is a particular county in Kentucky consisting 42,000 people. They have a federally funded community health project. This single county has eight health clinics. The OEO appropriation for that county is $1,104,000. The county appropriation in that county for the county health program is $90,000. The doctor who oversees this program draws $18,000 a year as an employee of the county. He also draws, if he were to work full time, approximately $1,600 a month administering the OEO health program. But sadly enough, he spends only about 1 hour a day, perhaps 2 hours, maybe not even that. Almost $750,000 of the $1,104,000 is spent for administrative costs. That is totally reprehensible. It is unbelievable that this amount of money could be spent for administrative costs.

Another one. Some $20,000 in Federal funds were used to finance a fishing school on the British island of Bimini, a frequent watering spot for one of our colleagues. The Caribbean program was staffed by two British fishermen receiving $100 and $75 per week, the class consisted of one American student. Thousands was spent on this project.

In New Jersey an OEO project has been purchasing pornographic books to allegedly improve the reading skills of the trainees. Taxpayers picked up the $10,000 tab for such training literature as "The French Art of Love," "Orgy at Madam Dracula's," and "The Nude Wore Black." It appears the purchasing agent found "Wife Swappers" a hot item: the voucher listed a purchase of 25 copies. It would be possible to fill a room full of file cabinets concerning abuses in the present poverty program.

In my own State of Iowa, Mrs. Mary Thompson, office manager of the anti-poverty agency and a former inmate at the women's reformatory at Rockwell City, Iowa, was charged January 1968, with embezzlement of program funds estimated between $5,000 and $6,000. The director said Mrs. Thompson duped him into signing blank checks which she then made payable to herself.

A subsequent audit of the books indicated faulty bookkeeping and accounting that went beyond Mrs. Thompson's embezzlement. Questioned items of $1,606 in cash and $1,260 "in kind receipts" could not be supported by documents.

The present Iowa State director of OEO Bob Tyson was appointed by Gov. Bob Ray on January 16, 1969. Before the ink was dry on the press release of his appointment, he was thumbing through the technical assistance manuals trying to see what personal benefits were available to him. Mr. Robert Tyson was employed in the district office of an Iowa Congressman from June 1 through November 30, 1968. Tyson by his own admission stayed in Iowa on vacation for the next month and a half until his appointment as temporary director.

The OEO technical assistance manual states that moving expenses up to $1,000 for the State director may be paid by the regional office to move household goods if that director does not reside in the community where he is to be employed.

I asked the OEO Kansas City office how they could justify the expenditure to move Mr. Tyson's household goods from McLean, Va., to Des Moines, Iowa. The regional office's letter to me of December 5, 1969, conceded that Mr. Tyson was a resident of Davenport, Iowa, for almost 6 months prior to his employment as temporary State OEO director, but still justified the expenditure.

I have asked the General Accounting Office for an immediate investigation into whether this is proper.

The letter from the Kansas City office follows:

OFFICE OF ECONOMIC OPPORTUNITY,
KANSAS CITY, MO., *December 5, 1969.*

Hon. WILLIAM J. SCHERLE,
House of Representatives,
Washington, D.C.

DEAR BILL: We have received telephone communications from Mr. Pat Breheny of your office questioning the reimbursement for moving expenses in the amount of $216.68 to Mr. Robert F. Tyson when he accepted an appointment by Governor Ray of Iowa as the State Economic Opportunity Officer.

It was Mr. Breheny's contention that Mr. Tyson was not entitled to this reimbursement because he was not a resident of McLean, Virginia or Washington, D.C. at the time of his appointment. We contacted Mr. Tyson and asked him to send us a letter setting forth the chronology of his residency, with dates and conditions of employment. We asked Mr. Tyson as a matter of courtesy if he would furnish your office a copy of this letter, and he cheerfully agreed to do so. I am assuming this letter has reached you and you have had an opportunity to review it in light of the question raised.

A brief history of this request and its action by this office is in order. On February 6, 1969, we received a request from Mr. Al Lothrop, Fiscal Officer for the State of Iowa Office of Economic Opportunity, for permission to pay the actual moving costs of household goods to Mr. Tyson in accordance with CAP Memo 23A, Part B, Number 5. On February 14, 1969, Mr. Wayne Thomas, Regional Administrator for CAP in our office, wrote Mr. Lothrop granting permission to reimburse the actual moving expenses for Mr. Tyson. Enclosed are copies of this correspondence for your information.

No further inquiry was made concerning this matter until Mr. Breheny raised the questions verbally in telephone conservations with Mr. Wayne Thomas and with Mr. William Shovell, my Deputy Regional Director.

Mr. Breheny was informed by Mr. Thomas that we had considered this an authorized and justifiable expense, and that if any irregularities did in fact exist, they normally would come to light in an audit, regularly conducted by the State Auditors Office in Iowa shortly after the end of the program year in which the expenditure was incurred. The time for this audit is not yet upon us, but a request by your office gives us an opportunity to look into this matter at this time, prior to the period it normally would be subject to review.

We have reviewed the matter quite thoroughly, both under the provisions of CAP Memo 23A, and in light of the specific language of Technical Assistance Memo 26 dated October 31, 1966, Subject: Personnel Poliices and Procedures. Mr. Breheny has a copy of this memo. This memo contains a specific reference in Part B, page 3, Item 5, which states:

"*Moving Costs.* A grantee may apply to the OEO Regional Office for permission to pay

the actual costs of moving household goods up to a maximum of $1,000, for a person who is hired to be Staff Director or Deputy Staff Director and who resides outside the community where he is to work."

The language of this portion is fairly clear and specific. It should be kept in mind, however, that it is a general attempt to establish some fairly specific ground rules or guidelines that would prevent abuse of certain practices in the area of recruiting and hiring of personnel by grantees. As drafted, it generally meets the purpose for which it was written; however, I'm sure you realize that no guideline can be drawn which will cover every possible contingency that could arise. That this is anticipated is evidenced by the fact that Item 6 which follows this specific quotation provides for a waiver system for employees of state civil service systems or other merit systems that may exist in agencies receiving funding by OEO. Section 6 also contains waiver procedures so that a college or university may apply its customary personnel policies and procedures and may request a waiver of any specific requirement of Part B.

It is assumed by us that while the specific instances cited provide for waivers, they are not exclusive; and that other conditions might be considered by the waiver granting authority that are consistent with State, University or general prevailing business practices and procedures commonly used when recruiting executive personnel. Again, safeguards must be maintained to prevent abuse of this procedure. It is our feeling that the circumstances involving Mr. Tyson's reimbursement are not an abuse, but are perfectly within the framework and spirit for which Technical Assistance Memo 26 was written.

Mr. Tyson has informed us that he remained on Congressman Schwengel's payroll until December 25, 1968 and that he was appointed to his present position by Governor Ray on the day he took office, January 16, 1969. The longest period of residency while he was in the state of Iowa, prior to his resignation, was in Davenport and not in the community where he ultimately was to work. His residency in Davenport, and place of employment in the Congressman's Davenport office, was for the period starting June 1 through November 30, after which time he was on vacation in Iowa. It further appears only logical that the intent of Item 5 of Technical Assistance Memo 26 clearly was designed to make provisions for the household goods to be moved from where they are to a location where the staff person involved lives.

It is our feeling that the request for reimbursement was properly submitted and that reimbursement by the grantee was perfectly proper and within the purpose for which these guiding procedures were written.

It is my sincere hope that this will meet the purposes of the inquiry verbally submitted to our office. If we can be of any further service to you, please feel free to call upon us at any time.

Thanking you for your consideration and wishing you warmest personal regards, I remain

Sincerely yours,

William L. Shouell
for
DON THOMASON,
Regional Director.

A VISTA volunteer in Iowa wrote and said that he felt many of the OEO programs in Iowa should be reevaluated.

The volunteer said:

Because I am sponsored by a community action program I can well understand what you mean by waste as I have unofficially seen many such exploitations of the poor in our area.

A newspaperman in Iowa informed me of high salaries still being paid to professional poverty workers.

It has been estimated nationally that approximately three-fourths of the money going to community action programs is burned up in administrative costs. This compares with an average administration cost in a State welfare agency of between 7 and 8 percent.

The Columbia, Ohio, Citizen Journal summed it up best in their editorial when they said:

Of course every time anyone challenges the OEO, its rabid backers accuse him of picking on the "poor." But a bureaucracy which fritters away much of its money on administrative costs cannot be of much help to the poor.

We hope Congress and the Nixon administration will straighten out this agency, or find a better way of doing something genuinely useful for the people who need help.

To continue this multibillion-dollar program without major constructive changes would be a fallacy and hoax—the greatest ever perpetrated against both the taxpayers and the poor of America. I urge the adoption of the substitute.

(Mr. WHALEN (at the request of Mr. AYRES) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WHALEN. Mr. Chairman, my appraisal of the Office of Economic Opportunity, both in its concept and broad front of activities, convinces me that this is an agency the Government and the Nation need. I have been impressed by the significance of the added responsibilities allocated to the agency by the President and the progress made by its director in tooling up with improved staff and organizational structure to fulfill those responsibilities.

Community action—the localized implementation of OEO programs through community action agencies—continues to be one of the most significant and most valuable aspects of the Office of Economic Opportunity, regardless of errors and false starts made at the local level of activity in the past. I am pleased to report that Director Rumsfeld has acted to correct situations that gave rise to criticism previously.

OEO headquarters has refused to refund a number of community action agencies and local delegate agencies which failed to perform satisfactorily. Meanwhile, a review of all community action agencies has been instituted to evaluate their effectiveness. A special team of experts was put to work reviewing grants released from the Office of Economic Opportunity prior to the close of fiscal year 1969.

Incredible as it may seem to some people, not until Director Rumsfeld assumed his duties had regulations been issued to enforce the section of the Economic Opportunity Act which limits administrative costs of poverty programs to not more than 15 percent of total costs. Such regulations have now been issued. Regulations have also been issued prohibiting local agencies from using Federal funds to pay interest on borrowed money.

Mr. Chairman, I am one who believes that the greatness of America, the dynamism of this country and its unique sources of strength derive from the individuality of its regions and localities. I strongly feel that the peculiar, local attributes of each region, State and county or town should be preserved when those native characteristics can contribute to our total capability. For this reason, I approve the measures that build in to the control and direction of community action agencies the right of local people to make plans and exercise local authority. At the same time, since their operations stem from Federal funding, I also deem it appropriate for the Office of Economic Opportunity to maintain and exert hights of supervision over the CAA's. Therefore, I am pleased to learn that new regulations will tighten administrative controls. Improved personnel standards and practices among grantee organizations will likewise be established.

At the same time, plans have already been instituted for spending up the time for processing grants—in line with the overall efforts of the Office of Economic Opportunity to increase the responsiveness of institutions to the needs of the poor.

These are all indications of positive progress—progress which will be made much more significant when and as the bill before us is passed.

(Mr. WYATT (at the request of Mr. AYRES) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WYATT. Mr. Chairman, I call upon the Members of the House to defeat the crippling amendment to OEO's legal services program adopted by the Senate. This amendment, condemned by the organized bar and the U.S. Judicial Conference, would permit line-item veto power by a Governor as a response to certain types of lawsuits, even though brought in furtherance of the purposes of the Economic Opportunity Act.

We cannot expect low-income citizens—or any American for that matter—to respect the rule of law if we, as public officials, sanction political interference with the legal process and encourage political retaliation for effective courtroom advocacy. Our most compelling task is to insure access to the legitimate institutions of the country for the perplexing problems of the poor. A Murphy-type amendment would have a chilling effect upon the efforts of legal services attorneys to provide this access. It should be soundly defeated.

The President's National Commission on the Causes and Prevention of Violence recently reminded us that poor people are regularly cheated, mistreated, and exploited by unscrupulous merchants, loan sharks, landlords, employers, unions—and, yes, even by some public agencies. The antagonism and frustration which this conduct engenders plagues every street in America today. Hence our choice: do we channel these grievances into the legal system we have developed over a period of two centuries for the express purpose of resolving conflicts without our society, or do we slam the courtroom door in the face of these citizens and invite them to seek a redress of grievances outside the existing legal process. In fact, of course, there is no real choice here; there is only a com-

pelling obligation to make our legal system accessible to these pressing needs.

We cannot move toward this objective in the absence of a vigorous independent bar, able and willing to assert each client's right to the benefit of any and every remedy and defense that is authorized by the law of land. The pernicious effect of the Senate amendment is to divest legal service attorneys of this essential capability. It would subvert the historic independence of the bar and require poverty lawyers to practice law at the sufferance of a Governor. It would introduce a double standard of professional conduct for members of the bar, imposing political restrictions on attorneys representing poor people that are not applied to those with wealthier clients and less controversial issues. The President's National Commission specifically stated:

> The independence of Government-supported programs providing legal services to the poor should be safeguarded against governmental intrusion into the selection of the types of cases Government-financed lawyers can bring on behalf of their indigent clients.

As Senator MURPHY indicated on the floor and in public statements, this is precisely what his amendment seeks to do.

It is ironic indeed that this frontal assault upon the legal services program should occur at a time when it has been proven to have a noticeable impact on the problems of the poor. During the last fiscal year, legal services attorneys handled about 610,000 cases. Of litigated cases, they won favorable decisions for their clients in approximately 70 percent and negotiated favorable settlements in an additional 15 percent.

This is a record that belies any claim that legal services are not needed or that they are wasteful. Arbitrary conduct by welfare agencies, unfair treatment by landlords, illegal interest rates by loan sharks, discrimination in municipal services, misrepresentation by merchants and a host of other inequities are the daily fare of many poor people in this country. We cannot any longer fail to respond to these conditions, or simply wish them away. A viable vigorous legal service program is an essential element in this administration's response, and it must be protected against crippling amendments—not just the Murphy amendment, but any other proposal to temper or circumscribe the activities of legal services attorneys.

Murphy-type amendments represent a lamentable tendency to confuse the legal services attorneys who air problems of the poor in court, with the problems themselves. This is folly. Legal services attorneys did not, for example, create the desire of farmworkers for toilet facilities in the fields they work, or for sanitary conditions in the housing they occupy. Nor are legal services attorneys responsible for the fact that too many growers fail to provide these facilities—even though they are required by law. Are we to punish legal services for successfully pressing these and similar complaints brought by poor people which seek to require other citizens to obey the law? To do so would be cynical, and make a mockery of the claim that we seek to advance the rule of law in this country.

Fortunately, vast numbers of Americans have expressed to us their dismay at the prospect of amendments to limit legal services, and conveyed their strong support for the program. The Governor of my own State, the Honorable Tom McCall, has condemned the Murphy amendment, noting that even though Government officials may "be discomforted on occasion" by vexing suits, "it is a healthy thing for public officials to be required to face these tests, and it is an unhealthy attitude on their part to seek to prevent impecunious litigants from having their day in court." I am advised that five other Governors, from the States of Massachusetts, Maine, New Jersey, Rhode Island and Washington have also publicly announced their opposition to Murphy-type amendments.

They are in good company. The list of opponents to the Murphy amendment and supporters of legal services reads like a Who's Who. It includes the deans of 84 of the nation's best law schools and more than 11,000 law students, the U.S. Civil Rights Commission, the American Bar Association, the National Council of Senior Citizens, the U.S. Judicial Conference, the National Council of Churches, the U.S. Conference of Mayors, the Federal Bar Association, over a dozen State bar associations and countless local and regional organizations.

Mr. Chairman, I urge the Members to consider the groundswell of support for legal services from all across the country, and to resist any effort to circumscribe the efforts of these lawyers to provide equal justice for the Nation's poor.

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. SCHEUER).

(Mr. SCHEUER asked and was given permission to revise and extend his remarks.)

Mr. SCHEUER. Mr. Chairman, it is highly enlightening to me, in the face of the proposed Republican substitute, to see various Members on the Republican side who support particular elements of the poverty program cross the center aisle and ask us on the Democratic side whether we would not support amendments excluding their cherished individual programs from the dead hand effect of the Republican alternative.

It makes me wonder, Mr. Chairman, whether our Republican colleagues have come here to praise Caesar or to bury him. If the substitute offered by the Republicans makes sense, if it provides some element of needed State initiative. Why is it not good for the particular program they happen to support? Why is not sauce for the goose also sauce for the gander? If the Republican substitute is good medicine for the poverty program as a whole, why is it apparently such poison for popular elements of the program, like Headstart, VISTA, family planning services, et cetera?

I suggest, Mr. Chairman, that the evidence is inescapable that our colleagues from both parties who support this alternative know perfectly well that the dead hand of the Governors and the rural-oriented State legislatures are going to be the coup de grace of the poverty program.

When the poverty program was passed 5 years ago the basic purpose was to provide new thrust, new initiatives, adventure, some new approaches to creating public service programs in education, health, welfare, job training, and employment that were more relevant, and more sensitive to the special needs of the poor.

If we are going to hand back to the rural-oriented Governors mansions and State legisatures total control over poverty, we might as well bite that bullet and wind it up now.

Mr. Chairman, we know what the effects will be. We have had in recent months statements by the American Municipal Association representing the mayors, by the U.S. Conference of Mayors, and by individual mayors protesting bitterly against the misapplication by the Governors' offices of funds that should have been made available to cities under the Safe Street Act.

It is in the cities of our Nation where violent personal crime has its most devastating effect, predatory crime that is terrorizing people and inspiring fear and desperation in urban neighborhoods across the country.

Yet mayors are coming down here by the hundreds, protesting, and their organizations have spoken out bitterly, that the Governors, instead of rifling in on the problem of crime where it is, in the cities, with a high-powered rifle and an 8-power scope—have preferred to use the shotgun approach, scatter these precious resources under the Safe Streets Act, all over the suburban and rural landscape where the problems of crime cannot be compared to the desperate urgency of crime in our cities.

If the Governors and the State legislators will not help the cities improve their law enforcement systems with available Federal funds, how in the world can we sit here and honestly tell the American people that the Governors and their rurally oriented legislators are going to deal more fairly with cities on the sensitive and controversial problems of urban poverty.

I would like to ask the chairman of the committee a question that has been of great concern to me in my district, and that is the harsh application of the means test to individual families living in a poverty area served by a community-based health service center. Let me explain.

The poverty legislation has made possible a fundamental change in the philosophy and organization of health services. Instead of "charity" of the poor, medical care would be theirs by right. Instead of the hospital clinic, the "neighborhood health center" would be the source of care. Instead of crisis medical care, continuous, high quality, comprehensive, and above all, dignified medical and social care would be provided.

These centers were to be in fact, as well as in theory, the neighborhood's health center. Each center would be located in, and limit its service to, a well-defined community. By limiting the number of potential patients in this way,

comprehensive and preventive care could become a reality. To insure the center's responsiveness to the community, four things were to be done. First, community residents would be hired or trained to fill jobs in the center, both in the provision of care and in administration. Second, a community advisory board made up of elected community representatives would take an active part in setting the policies of the center. Third, besides medical care, other social services such as job training and legal assistance would be provided. And finally, and most importantly, the only requirement for free care at the center would be residence within the community. There were two reasons for this: first, it would remove an important barrier to care, and second, it would not divide the community along financial, and therefore class, lines.

The Dr. Martin Luther King, Jr., Health Center—MLK—is one of these OEO centers. It opened in 1966 to serve a low-income area in the south Bronx, the neighborhood I represent. While it is difficult to measure results after so short a period, some indications of success are available.

More than half of the families of the area, about 28,000 people, are registered at the center, making it the largest participant organization in its community.

More than 300 community residents have been trained at the center and placed in jobs in the center or in other health agencies. Many residents have also been hired directly into jobs in the center.

An advisory board made up of 21 elected community residents has been formed and is now taking an active part in setting the policies of the center.

The health advocacy department has provided advice and assistance in helping community residents secure their legal rights.

While research is still being done on how best to measure the center's effect on the health status of the community, one index, infant mortality, may be indicative. In 1967 the infant mortality rate of the community ranged from 19.4 to 41 per thousand, depending on the area of the community in which the mother lived. Now, among mothers who have received prenatal care at the center, the infant mortality rate is only 4 per thousand.

These successes are clear evidence of the soundness of the principles behind the original OEO program. After decades of failure in providing medical care as charity, the provision of care as a right has proven to be effective.

Mr. Chairman, these successes are now being threatened. In 1967 Congress amended the original OEO legislation. This amendment required all centers to make a determination of eligibility with their patients, but it did not explicitly require any particular form of eligibility test. The OEO general counsel, however, is now requiring all centers to implement a means test, and to charge a fee for service to all people with incomes above the State medicaid guidelines.

The implementation of a means test and fee schedule is a complete betrayal of the principles behind the intent of Congress in passing the OEO legislation, and a return to the charity concept of medical care. Once such a betrayal is implemented, the successes of the program will be lost.

All OEO centers have fought the implementation of a means test and fee schedule, however, one by one, they have all capitulated.

The primary objection of the center against the means test is that it forces the center to humiliate its patients. Any person forced to submit to a means test is well aware that the care he receives is not being provided to him as his right, but through the benevolence, the noblesse oblige, of more deserving citizens. It makes it explicitly clear that if he wants medical care he must prove, to the administrators' satisfaction, that he is poor enough, by the administrators' standards, to receive free medical care. No matter how carefully worded, no matter how conscientiously administered, a means test remains a means test, an affront to the dignity of the patient.

The second objection is to the effective abandonment of the "neighborhood health center" concept that all residents be treated equally. This principle would be violated by the introduction of a means test and fee schedule.

The introduction of a means test and fee schedule will force the center to divide the community arbitrarily into two groups, those who pay and those who do not. Once this is done the center will no longer provide equal care to all patients. The impossibility of separate but equal care has been documented time and time again. Once distinctions are made between classes of patients, separate classes of medical care arise. A "neighborhood health center" has no mystical aura that can prevent this. It can only be prevented by not making such distinctions.

The third objection of the center is related to recent changes in medicaid. When the center first began operation, the majority of community residents had incomes lower than the State medicaid poverty guidelines, and had the choice of receiving free medical care from the center or from other sources. These conditions have now changed. Many more community residents have incomes above the State guidelines. This, of course, is not because their incomes rose, but because the guidelines were lowered, and in no way does this indicate any increase in the buying power of the community for health services. The near poor, as well as the poor, still find adequate health services too expensive to buy on the open market. They would be forced to use the center, with its new fee schedule, as their primary source of care. Thus, the net effect would be to make medical care more expensive for the near-poor, without giving them any new services.

The fourth objection of the center is directed against the great inequities in the availability of care that would be caused by the introduction of a means test and fee schedule. For example, under the grant conditions the center has received from OEO, free medical care could still be provided to families living in the low-income housing projects within the area, even though their incomes are above the medicaid guidelines. However, the center could not provide free care to families with the same incomes and who are eligible to live in the projects, but who are not actually living in them. Most of these families live in the tenement section of the area which has a significantly higher infant mortality rate than the housing projects, and who pay much more rent for slum quarters than families in the housing projects pay for their far superior accomodations. These are the very families who most need free medical care.

The final objection stems from the lack of any substantial financial benefit that would come from the introduction of a fee schedule, as indicated by the experience of other local hospitals in the area, the OEO guidelines, and the center's own fee schedule proposal. The center has estimated that after the cost of collection, the center would only collect $22,500 per year toward an annual budget of $6.5 million. Such an insignificant revenue makes it clear that the basic effect of a means test, like the poor laws from which it sprang, is only to humiliate the recipient of care.

Should the means test and fee schedule be implemented, the effect on the operation of the center is easy to predict. The humiliation of the means test, the hostility engendered by the betrayal of the original promises, and the inequities in charges, will cause many to stay away from the center. Many of the near-poor residents of the community, who have often acted as important trend setters, will no longer come to the center; they will find the charges too expensive. The inevitable cycle which has caused "care for the poor" to become "poor care" will again be set in motion. The bright promise of medical care as a right for all will again be eclipsed by the return to the medieval concept of charity care for the poor.

I would like to state that the Senate has considered this problem, and has expressed itself unmistakably on the subject.

I would like to read from page 25 of the Senate Labor and Public Welfare Committee report on the OEO bill of October 10 and ask the gentleman from Kentucky, the distinguished chairman of the Education and Labor Committee, if its language is not in truth likewise the intent of the House?

> The Economic Opportunity Amendments of 1967 provided that health services funded by OEO grants are to be made readily accessible to low-income residents of poverty areas. That language should not be construed to exclude residents of the area who have need of such assistance even though their incomes are not below the poverty level. In determining the location of such services, primary concern must be given to providing ready access in such services for those who are poor, but individual eligibility for such services should not be restricted by a strict means test.

Mr. PERKINS. That was the intent in 1967, and in the future OEO administrators should follow that intent. We never intended that persons in need of health services who live in a poverty area

be denied such services solely because their incomes exceed the poverty level.

Mr. SCHEUER. That is the intent, then, of Congress.

I thank the gentleman.

Mr. PERKINS. Mr. Chairman, I yield the 5 minutes remaining to the gentleman from Ohio (Mr. STOKES).

(Mr. STOKES asked and was given permission to revise and extend his remarks.)

Mr. STOKES. Mr. Chairman, I rise to urge passage of the bill in its present form. Like virtually every other Member of this body, there are changes I would like to have seen made. In fact, some time ago I introduced my own poverty bill—H.R. 14502—with 24 cosponsors which would have added over $250 million in earmarked authorizations for this fiscal year, over $700 million for fiscal year 1971, and would have provided for numerous substantive changes. Nevertheless, when substantial increases were added in committee for the New Careers, Headstart, and emergency food and medical services programs, I did not press further for my own legislation.

In regard to the committee action, I would like to add two points. First, I would like to commend in strongest possible terms the work of my distinguished chairman on this bill. Those of us vitally interested in a meaningful poverty program know the great lengths to which our chairman went in an attempt to preserve the basic integrity of this legislation. Whatever happens to this bill we should all be proud of the job he has done. Second, I would like to express my regret that some members of our committee saw fit to bypass the committee with their suggested amendments and bring them up directly on the floor. Those of us interested in strengthening the bill were willing to hear the comments and face the judgment of our distinguished colleagues in committee, and I only think it would have only been fair for those wishing to dilute the bill to have done likewise. While I in no way doubt that my committee colleagues on both sides of the aisle will be offering their amendments in what they perceive as the best interests of OEO, nevertheless, I cannot believe that their suggestions would not have benefited from committee consideration.

Now I would just like to comment on two programs at OEO in which I have a particular interest.

The first is the legal services program. Within just 3 years, LSP has developed into one of the finest, if not the finest of OEO's programs. During the past fiscal year, over 1,800 legal services lawyers handled over 610,000 civil cases for those who otherwise would have been without legal redress. The money it has returned to the poor in winning 70 percent of those cases has exceeded the cost of the program manyfold. Moreover, LSP has captured the imagination of the young, socially-conscious lawyers now emerging from our Nation's law schools. Their highly successful Reginald Heber Smith fellowship program has been virtually crushed with top-caliber applicants during the past 2 years.

This success has been possible chiefly because the lawyers in the 850 legal services offices have not only understood and sympathized with the legal problems of the poor, but because they have been afforded that flexibility of professional judgment in litigating their cases that is required by the American Bar Association canons of ethics. It is my understanding that several amendments will be offered to this bill which would result in limiting that flexibility.

I would implore my colleagues to heed the advice of the ABA, the National Commission on Violence, and the National Conference of Federal Court Judges, and reject these attempts, and remind them of the words of the late President Kennedy:

> Those who make peaceful change impossible, make violent change inevitable.

The other OEO program which I understand is to come under attack is the economic development section. Acceptance of any of these amendments would be equally unwise. President Nixon reflected his confidence in this program earlier in the year when he transferred administration of all title I–D development funds from the Labor, Commerce, and Agriculture Departments to OEO. He also recommended a substantial increase in funding. It is understandable why the President did this, for the OEO economic development program is probably the ultimate manifestation of the basic underlying philosophy of the poverty program—helping people help themselves.

The impact of the program is well known to me, since one of the first and largest economic development grants was made to the Hough Development Corp. in Cleveland. Since that grant was mdae in the spring of 1968, Hough Development has become a nationwide example of minority enterprise at its best, and serves as a model for the proliferating number of community development corporations throughout the Nation. More importantly, HDC and the multi-faceted businesses it is developing in Cleveland inner city is a symbol of hope to the many hundreds of residents of that area who had begun to lose faith in the American free enterprise system, and opportunity for the poor in our affluent society. This hope can be, and is being, replicated in urban areas all across the country. But it cannot be done if the kinds of crippling amendments I have heard discussed become law. They must be defeated—not to do so would be more than unfortunate, it would be a disgrace to this Nation.

Mr. HANNA. Mr. Chairman, in 1964 we committed our national resources to the fight against poverty. I doubt if anyone in this Chamber was naive enough to believe it could be accomplished quickly or without controversy. We perhaps have had too much of the latter. And for some I am certain the program has moved too quickly, while others will maintain it has hardly moved at all.

I personally believe that the program has made substantial progress. In my own area, and throughout the Nation, millions of disadvantaged Americans have been serviced, and have had a chance to participate in a system formerly cold and remote. Although some of the programs have been failures more have succeeded.

Headstart has had a demonstrated impact in almost every section of the country. Upward Bound has given opportunity and hope to thousands of disadvantaged youngsters. Operation Mainstream and New Careers have proven to be two of the most effective job training programs being offered. The emergency food and clothing programs have been of direct aid to literally hundreds of thousands. The community action program, often controversial, has nevertheless had a positive impact. Hundreds of imaginative and important programs are being run at CAP neighborhood centers. Language labs, teen centers, recreational facilities, baby care, budget planning are just a few of the positive efforts now being carried on.

The legal services provided through the OEO have written a new chapter in the American attempt to obtain "justice for all." For many Americans, the exercise of their legal rights, or even the protection of those rights, was little more than middle class rhetoric. To the poor, justice was a rare commodity that could only be purchased at premium prices. It was never available when they were being exploited, and seemed to always protect the perpetrators of the exploitation.

We all can be proud of the fact that this situation has started to change. The poor are learning that justice can be applied equally. The fact that the poor have rights and can now exercise them has angered some. This was to be expected. If it did not happen the program would be worthless.

Now, I certainly do not want to be characterized as looking at the war on poverty through rose-colored glasses. The program has serious difficulties. Some preconceived concepts were impossible to implement. There has been scandal misappropriations, and malfeasance. Unfortunately, human institutions cannot be perfectly insulated from human frailties.

The Office of Economic Opportunity has shown itself particularly vulnerable to these problems. Perhaps because so much was expected so quickly, and perhaps because there is so little real understanding of the nature of the undertaking, some projects easily fell prey to corrupt and highly questionable practices. No one should have to justify or defend this. It is indefensible and where perpetrated, must be stopped. But these instances should not be exploited and used as the handmaiden to dismantle and destroy an immensely valuable and successful program.

Born in fanfare and controversy, this program, almost more than any other Government effort, has operated in the public glare. Constant media exposure to every controversy has made the very image of OEO controversial. The controversy never abates, the heat never subsides, and as a result an accurate perspective of the program rarely if ever emerges.

This, perhaps, is the saddest fact of the war on poverty. Hardly anyone can discuss it dispassionately. For many, its

image has been reduced to scandalous giveaway boondoggle. And for many others, it is the passionate savior of the downtrodden. For some it is a political instrument to obtain power or to keep others from obtaining it.

All who fall into those just mentioned categories are wrong. The Economic Opportunities Act is an honest commitment of our national resources to the challenge of overcoming the blight of poverty in the world's richest nation. Because we neglected this problem for so long, we are now groping with various methods to funnel those resources to where they will do the most good. "Groping" is the proper word. We are not entirely sure how to do it—but we are commited to eliminating poverty. And while some of our groping has been misdirected, most of our efforts have had a meaningful impact.

The program must be allowed to continue. There will be mistakes in the future as there have been in the past. There will continue to be controversy. But on the whole, the accomplishments will outweigh both the mistakes and the controversy. It is with these accomplishments and what is yet to be accomplished that we must concern ourselves.

Unfortunately, many in this Chamber are more concerned with the false images of the program than with its substance. And in an attempt to deal only with the image they will sacrifice the substance.

Two crippling amendments will be introduced. Both amendments dismantle the structure and essence of the EOA.

By far the most dangerous amendment will be the one offered by the gentlewoman from Oregon (Mrs. GREEN) and the gentleman from Minnesota (Mr. QUIE). Their amendment will effectively destroy the central thrust of the OEO and create 50 State programs of dubious value. Their amendment would guarantee that resources would not be funneled to where they are needed and insure that every State would only be able to do as little as possible.

If the amendment passes, there would no longer be a national program. About the only function left to the Director of OEO will be to defend himself in court against lawsuits filed by the various States if he dares disapprove of their programs.

One of the most important and vital elements of the present program is its ability to muster and concentrate national resources where they are critically needed. When you have limited resouces that must be applied to a massive problem, it is essential that a central authority have the ability to act. This ability to act will be crushed by the Green-Quie amendment.

We can look forward to the program moving in 50 different directions if the amendment passes. States that do not have sophisticated machinery to implement a program will require their poor to remain in limbo until they get around to establishing the necessary institutions. Programs will be completely subject to the ever-changing whims of 50 different administrations. National purpose, direction, and commitment will dwindle as each State program becomes increasingly embroiled in the vagaries of local politics.

What is so ironic about this amendment at this time is that the Director of OEO has specifically outlined 15 steps to strengthen the state role in the program. The President's Director offers a reasonable and working partnership with the States. The Green-Quie amendment destroys the partnership relation.

A second amendment, equally as onerous, is slated for introduction. The Murphy amendment would permit State Governors to veto any legal service program funded in his State. Every lawyer should realize the implication of this. It politicizes the lawyer-client relationship. It permits the Governor to decide whether certain suits should be undertaken or quashed. It completely distorts the principle of equal administration of the law. An arbitrary Governor could easily utilize this tool for his own political purposes.

Almost every legal expert with a conscience has voiced his opposition to this ill-conceived and dangerous amendment. Virtually every law school dean and professor in my area has written asking me to vote against this amendment. My mail has been filled with warnings from leading attorneys throughout the State of California about the very real dangers of the Murphy amendment. The House must reject this pitiful attempt to subject the legal rights of the poor to the whims of the politicians. Its unconscionable.

These two amendments, taken together, represent the most serious challenge to our commitment to eradicate poverty since the program was initiated in 1964. If they pass, there will no longer be a program. We will go through the motions, but the heart and substance will no longer exist.

It makes no sense to tear down the program when it is operating successfully. Such wasteful and callous destruction will not enhance one bit our ability to overcome poverty. But it will do tremendous damage. The very tenuous and delicate confidences created in these past 5 years between an affluent establishment and the alienated and discontented poor will be irreparably damaged. The waste in resources and successfully operating organizations will be far more costly than any promised economies resulting from such changes.

I have been terribly disappointed with the White House vacillating leadership on this issue. The President proposed a 2-year extension of the program as it is—but has yet to insist that his legislative leadership adopt his position. If anything, he has avoided supporting his administration's position.

There is no question about my stand. I support the President's request to extend the EOA for 2 years without major changes. I intend to vote for the bill as it was reported by the Committee on Education and Labor.

Mr. LUJAN. Mr. Chairman, we are asked here to choose between Federal control and State control of the Office of Economic Opportunity programs. As one who believes, in general, that the necessary functions of government are best kept as close as possible to the people, I would normally find no difficulty in making this choice. I would vote for State control.

There are some programs, however, that simply do not lend themselves to efficient and effective management by government at any level. I refer to programs like medicaid, which has been poorly administered by many State governments, and the Office of Economic Opportunity, which has been poorly administered by the Federal Government. Programs such as these require a large degree of involvement of the private sector, and their success is proportionate to the amount of that involvement.

I think the administrative and operational controls of OEO programs should be vested in a body outside the political structures of either the State or Federal governments. And for this reason I will vote against the amendment.

In so doing, I wish to call the attention of my colleagues and of the administration to an alternate method of structuring the Office of Economic Opportunity programs at the State level. It is a method that has proven workable, efficient, and productive in New Mexico, and I believe it provides a model answer to the OEO's problems in administration and control.

I refer to the home education livelihood program—HELP—which has been operating as the New Mexico "delivery system," if you will, of the special impact and migrant sections of the OEO Act for the past 2 years.

It is unique among all the programs funded by OEO in that it is sponsored in our State by the New Mexico Council of Churches. Its board of directors consists of 12 representatives appointed by the council and six farmworkers representing the rural areas served by the program.

In addition to the State board of directors, HELP programs are administered through 50 community centers throughout the State, with each center operated by a local community HELP council.

Basic funding of this program is a mixture of Federal and private money, with $1.7 million funded under sections I–D and III–B of the OEO Act and $800,000 provided from private sources. Control of the funds and administration of the programs is the responsibility of the board of directors, operating through a paid staff in Albuquerque.

The HELP programs center on three basic problems in New Mexico: Housing, adult education, and economic development. Its success in each of these fields has been outstanding. In housing alone, 150 families have been assisted in obtaining new homes which they built with the help of their neighbors and with money loaned by the HELP program. Each homeowner acquired a "sweat equity" in his house through his own labor, and repayment of the loans is geared to the family income.

In adult education, more than 4,000 seasonal and migrant workers have attended classes in the 50 community cen-

ters, and 1,200 children have been enrolled in the child care and development program. These workers are trained in mechanics, carpentry, welding, home ecoomics, basic education, or general education development. It is significant that during the 2 years the program has operated, these migrant and seasonal workers formed six credit unions with $25,000 in assets. Further, they have conducted book drives and solicited donations for the establishment of community libraries in rural areas which have never had a library outside of the local schools. Six such libraries have been established without cost to the Federal Government.

The real showcase of the HELP program, however, is in its success in economic development in the rural areas it serves.

Mr. Chairman, this program has succeeded in helping rural people to help themselves far better than any such program in the Nation and at less per capita cost to the Government. Its record is unparalleled in helping seasonal and migrant workers first to learn a trade or skill and then to form a company among themselves to utilize those trades or skills in the production and marketing of salable items.

I have worked closely with this organization and have been personally involved with it in the development of many privately owned, privately operated, rural-oriented small industries in our State. Poor people have formed companies to produce hand-carved furniture which today commands top prices and is in great demand throughout the country. Other industries we have helped get started include weaving shops, a machine shop, a plant to manufacture doors, signs, toys, and other wood products, wearing apparel plants and numerous farm marketing co-ops, including a fruit marketing co-op that is breathing new life into the apple industry that has been dying for 20 years in New Mexico.

And on a larger scale, the HELP organization has been largely responsible for the establishment of a huge network of cattle feedlot operations in New Mexico which involve more than 3,000 small ranchers and will add more than $5 million to the State's economy.

My point, Mr. Chairman, is that this semipublic organization, working with a combination of Federal and private money, has succeeded fantastically where so many other OEO-funded programs have failed. It provides an example to the rest of the Nation—and the Office of Economic Opportunity itself—of what can be done with this money under an administrative and operational structure that involves the people and the communities in programs to help themselves.

I strongly suggest that the Office of Economic Opportunity study this example and consider this form of organizational structure as the type of administrative vehicle through which to channel its funds and programs.

Mr. ANNUNZIO. Mr. Chairman, I am happy to add my voice to those of my colleagues who have risen in support of H.R. 12321, the amendments to the Economic Opportunity Act. I support this bill with enthusiasm and without reservations. H.R. 12321 extends the Office of Economic Opportunity for 2 years; it maintains those of its programs that have proved useful and strengthens those for which the greatest need has developed. By putting increased emphasis on programs which have proved their efficacy in lifting people out of the conditions that accompany low-income living, the bill has turned its back neither on the poor nor on those in the Government who have called for a judicious dispersal of poverty funds. It is altogether a reasonable and responsible piece of legislation which, in my opinion, holds out the best hope for continuing to help the poor in a meaningful way. In commending this bill, I salute the man most responsible for it, the wise and extraordinarily able chairman of the Education and Labor Committee, about whose wholehearted commitment to aid the poor there has never been any doubt.

H.R. 12321 extends the Office of Economic Opportunity for 2 years, in order to allow for long-range planning of programs and for an efficient allocation of funds. It also adds three new titles to the Act, two of which strengthen successful programs, and the third of which comes squarely to grips with the very serious problems of hunger and malnutrition in the United States.

The first of the new titles revises title I of the act by removing the New Careers and Operation Mainstream programs from part B and incorporating them into a new part E. These two programs have shown themselves to be unusually effective in achieving their job creation and work-training goals; the first in meeting the serious shortages of manpower in the area of services and the second in providing work-experience for chronically unemployed adults. The bill earmarks a total of $110 million for these two programs, an increase over the administration's request that is clearly justified by the fact that present economic trends indicate that the unemployment rate may well go even higher than its already unnacceptable level.

H.R. 12321 also adds a new title IX to the Economic Opportunity Act, in which the continuation of both Project Headstart and Followthrough is specifically authorized. In making this change, the committee has recognized that "the early years of childhood are the most critical in growth and development" and that support for these programs—which have so effectively promoted the early development of poor children—must be emphasized and increased. Accordingly, the new title IX authorizes $578 million for Headstart and Follow Through—$458 million for Headstart and $120 million for Follow Through—which would provide program services for up to twice as many low-income children as would the figures proposed by the administration. The language in the new title IX would allow both the refunding of existing Headstart and Follow Through projects as well as the funding of new ones, and the training, technical assistance, and research and evaluation activities in support of the programs are also continued by the proposed legislation.

Perhaps the most urgently needed section in the bill is that which creates the new intensive programs to eliminate hunger and malnutrition. During the past few years, we have all been shocked and dismayed to learn of the existence of poverty-related hunger and malnutrition in the richest, most agriculturally abundant Nation in the world. We have learned that millions of poor Americans do not have incomes adequate to obtain nutritious diets, and that our Federal food assistance efforts have fallen far short of the need. The Committee on Education and Labor, and its chairman, were determined to enable the Office of Economic Opportunity—with its unmatched network of local involvement agencies—to expand the fight against hunger and malnutrition-related disease begun in 1968 under the emergency food and medical services program. During the short time it has been in operation, the emergency food and medical services program has done an excellent job with the resources it has had available, but there can be no doubt that those resources have been much too limited to allow for a full-scale attack on hunger.

In recognition both of the value of the emergency food and medical services program experience and of the evident need for more consequential efforts in this area, H.R. 12321 adds a new title X to the Economic Opportunity Act which gives the Office of Economic Opportunity broad authority to provide financial assistance for medical supplies and services, nutritional foodstuffs, and related services to counteract conditions of starvation or malnutrition among the poor. Specific emphasis is placed by the bill on aiding the elderly and the very young—two groups from whom malnutrition and undernutrition exacts a heavy price. The authorization for these intensive programs to eliminate hunger and malnutrition is $92 million for fiscal 1970, which is an increase of $62 million over what was proposed in the administration budget. In my view there can be no question but that this money will be wisely spent in support of the programs of the new title X proposed in H.R. 12321.

In reviewing the bill as a whole—and noting that it authorizes a total of $2,343,000,000 for fiscal 1970, as compared to the administration's budget estimate of $2,048,000,000 for the same period of time—I can say once more with complete assurance that this would be money wisely spent. The program of the Office of Economic Opportunity have been in existence for a mere 5 years. Some of those programs have been universally acknowledged as beneficial; all of them have in some way become part of the lives—and a main ingredient in the hopes—of the poor. I believe that we must not only continue our 5-year-old commitment to the poor by extending the programs of the Office of Economic Opportunity, but that we must pledge ourselves anew to the elimination of poverty and its attendant inequalities. This we will help to do if we pass H.R. 12321.

Mr. HAMILTON. Mr. Chairman, one program funded by the OEO and administered by the U.S. Department of Labor is the Green Thumb program. This program is sponsored by the Farm-

ers Union, and I wholeheartedly endorse it.

Green Thumb employs older, low-income rural men in public projects. These activities include conservation, beautification, and recreation. Their performance has been hailed by local and State officials as being one of the best projects ever undertaken by the Federal Government both in providing benefits to those who participate in the program and heretofore unobtainable services to our communities. In southern Indiana they have made it possible for small cities and communities to have their own parks and playgrounds. They have created baseball fields for little leaguers, erected fencing to keep children safe on the playground, built picnic and rest areas and have beautified our roadsides. These are just a few of the things they have been able to accomplish in our small communities.

I am especially impressed by how much the Green Thumb project has meant to those who have participated in it. Last year alone, 178 men were employed in my district, receiveing wages and benefits totaling nearly $160,000.

They make valuable contributions to their communities. I would like to quote from a letter written to me by Mr. Russell Thomas, park superintendent at North Vernon, Ind.:

Their work has been as skillfull as any that could have been provided by our local building contractors. The men, while working only three days a week, worked diligently; they had a great spirit of comradeship; and they were justly proud of their accomplishments.

This is what Green Thumb is all about in southern Indiana—an income, pride, dignity, public service. It needs to be continued and expanded to accommodate the long list of eligible men who need this employment.

I strongly urge the allocation of sufficient funds to Operation Mainstream to make this possible. It is hoped an additional 36 jobs would be available to low-income elderly citizens in my district. This would mean around $57,000 in wages, so desperately needed by individuals whose annual income averages $860. But even more than that, it offers hope and a sense of belonging to these older citizens.

If I may, I would like to include, for the RECORD, an article from an Indianapolis paper, the News, dated October 31, 1969, for the perusal of the Members:

GREEN THUMB PROJECT HELPS PRIDE GROW

(By John Carpenter)

They come from families with an average yearly income of $860—the oldest a 90-year-old man from rural Deputy.

Indiana Green Thumb Project, a public service program for the elderly in rural America, gives aged people with low incomes an opportunity for rehabilitation and employment.

The state's Green Thumb program has had its headquarters in Seymour since it started in July, 1966. Indiana was one of five states in the initial plan.

Part of the Manpower Act with the Office of Economic Opportunity the program has expanded from an original 10-county area to 21 counties involving 282 elderly people in the state.

About $600,000 in funds was administered out of Washington for Indiana's part in the porgram this year.

A $1,500 TOP SALARY

Average age of the workers is 67, and they work three days a week, eight hours a day, for a Federal minimum wage of $1.60 an hour. Persons employed in Green Thumb are paid every two weeks and the most they can make in a year is $1,500.

Why the name Green Thumb?

The program grew out of the rural beautification program and includes all kinds of hand labor jobs.

Employees, all men, work for the state, city and county highway departments and park departments among other things, and build shelter houses and Little League dugouts, improve camping grounds, plant seedlings and transplant trees in parks and along highways, and paint guard rails.

The oldest employee in Green Thumb is Garrett Gibson, rural Deputy, He is working with a crew of six other men in Clifty Falls State Park.

"I am proud to be employed with Green Thumb and fortunate, too. I feel better working than just lying around, and the checks help me to buy medicine for my wife. I look forward to going to work and enjoy being with the other men," Gibson said in a letter sent to the Seymour headquarters.

HE DOES EVERYTHING

Wayne Vance, who has been project director of the program since it began in Indiana, said Gibson is typical of the type of persons employed by Green Thumb.

"He does everything the other employees do. He paints, helps build shelter houses and even uses an axe," Vance said.

A 63-year-old Greene County man employed in Green Thumb told a supervisor, "My family (which includes three children living at home) and I really appreciate what you are doing for us, and with the pay we are able to have three decent meals a day."

Vance, 30, said his staff consists of an assistant director, two supervisors, a secretary and an office staff bookkeeper.

He said the program has:

(1) Aided nearly 300 elderly men and their families who badly need jobs to help themselves financially.

(2) Proved to the people there are critical employment problems in rural areas.

(3) Proved senior citizens are not particularly happy or content to sit down and start drawing social security money.

(4) Brought out new skills in individuals.

(5) Proved many elderly people want to be gainfully employed.

(6) Helped give people the opportunity to live rather than just barely exist.

NEED AND HEALTH STUDIED

Older, retired low-income citizens are hired on the basis of need and physical condition. People are screened by an employment service and are interviewed by officials of the organization for the 21-county area.

Vance said there are more than 200 applications for jobs on file in his office.

He has asked for 350 job slots in 1970.

"The total objective of the program is to get people back to work and move some of them out to private enterprise—with some taking full-time jobs," Vance said.

Counties now included in the program are: Jennings, Posey, Jackson, Pike, Orange, Brown, Jefferson, Dubois, Floyd, Martin, Knox, Greene, Bartholomew, Gibson, Washington, Warrick, Scott, Clark, Lawrence, Daviess, Sullivan.

Mr. BRASCO. Mr. Chairman, I rise in support of the Economic Opportunity Act as reported by the committee.

While operating since last July under a continuing resolution, the Office of Economic Opportunity has been undergoing what seems to me to be a significant transition from what it was 1 or 2 years ago to what it is now and, more importantly, what it can be in the years ahead.

It is not necessary for me to catalog the shortcomings, the misdirected efforts, the noisy irritations, and the wasted money. Far more important, I submit, where the positive accomplishments of the Office of Economic Opportunity, the more than 950 local community action agencies, the 49 comprehensive health centers, the neighborhood legal assistance offices, the VISTA volunteers, the family planning centers, the support of cooperative business enterprises—all of which are built in to the on-going Office of Economic Opportunity program for the future.

Instead of dwelling on errors of the past, it is more useful to remind ourselves of positive accomplishments that have taken place as foundations for future progress. What are these achievements of the Office of Economic Opportunity? Let me mention a few:

It made the country aware of the scope, the depth, and severity of the blight of poverty.

It helped make clear how vast is the range of what we do not yet know, and how fragile are projections based on partial knowledge.

It taught lessons about what works and what does not work in combating poverty problems.

It demonstrated the value of having within the Federal Government an agency whose special concern is the victims of economic hardship.

It dramatized the need for flexibility, responsiveness, and continuing innovation in efforts to cope with the root causes of poverty.

It brought out the needs for management effectiveness.

It revealed that the Office of Economic Opportunity's greatest value and potential comes from its work as an initiating agency, devising new programs to help the poor help themselves, and serving as an incubator for those programs during their initial phases.

OEO Director Rumsfeld has now increased the dimensions of the Office of Economic Opportunity, adding new responsibilities to those that already exist in carrying forward its operational programs.

Through its new offices of Program Development and Planning, Research, and Evaluation, the OEO is now addressing itself to such unanswered and difficult questions as these: What determines an individual's capacity for growth and achievement? What can be done to awaken that capacity and develop it? How can we be sure that these capabilities, when they are available, will be fully used and properly rewarded?

Not until our Nation comes to grips with questions such as these, and comes up with workable answers, will real inroads be made on the ills of poverty. This is why the kind of research and study being undertaken by the Office of Economic Opportunity Represents a vitally important investment of Federal funds.

Moreover, the Office of Economic Opportunity will concentrate emphasis on ways and means of similarly altering the attention and thrust of a broad range of public and private institutions, to revitalize their approaches to problems of poverty. For this reason the OEO office of Program Development will try out a wide variety of new ideas, test them fully in theory and practice, and then encourage other appropriate agencies and organizations to carry out the practical applications resulting from this experimental process.

Mr. Chairman, the Office of Economic Opportunity has established more precise standards for measuring performance than the agency has used in the past. Creation of the agency's Office of Planning, Research, and Evaluation gives the Government an exceedingly valuable capability to assess Office of Economic Opportunity programs and the efforts of other organizations as well—a capacity based on independent, scientific analysis, and one that has been needed for a long time.

I am convinced that the Office of Economic Opportunity is on the right track. It has a critically important job to do and is gearing up well to perform it. What is urgently required now, of course, is prompt action to approve a 2-year extension of the Office of Economic Opportunity without crippling amendments such as the Green-Quie substitute.

Mr. KYROS. Mr. Chairman, just as all of us can agree on the value of volunterism in working toward solution of our Nation's social problems, so we should all agree on the increasingly more important contributions being made by the Volunteers in Service to America, or VISTA, program.

One criterion as to the effectiveness of this program is the demand for it. In this regard, it should be pointed out that despite efforts to discourage requests which cannot be met, VISTA has requests from local communities for approximately five times the number of volunteers which the current budget will support.

A second criterion as to the value of this program is the extent to which it represents an opportunity for Americans to help each other. In this regard, it should be noted that a recent Gallup poll demonstrates that 56 percent of all university students—over 3 million young Americans—are interested in VISTA service. In another poll, three out of every four parents stated that they would like to have their son serve in VISTA. Nearly 20,000 men and women have served, or are currently serving, in VISTA. The number of inquiries regarding VISTA service has increased by 19 percent this fiscal year, and more than 93,000 persons have now applied for this program.

A third criterion regarding VISTA should be the quality of its volunteers. During fiscal 1969, 49 percent of the volunteers selected were college graduates. During fiscal 1970, this figure jumped to 73 percent. Forty four percent of all volunteers this fiscal year possess professional skills, and 30 percent of the volunteers will be using these skills as VISTA specialists. At the same time, VISTA has been increasingly successful in recruiting volunteers who are themselves from poor communities, and who have the potential to be highly effective in working with our citizens who are in similar circumstances.

The final, and most important criterion of VISTA's effectiveness must be the programs themselves. Since VISTA began its intensive evaluation in the spring of 1968, some 200 weak projects have been closed or restructured. Supervision activities have been greatly increased. Skilled volunteers are increasingly being teamed with volunteers from poverty communities. New VISTA projects have greater concentrations of volunteers for greater impact.

VISTA presently has over 6,000 volunteers in the field. If 50 separate State programs were created, administrative costs would be vastly increased. The skills of VISTA volunteers are not evenly distributed, and most of the potential volunteers are located in the larger and more populous States. If separate programs were created, the States would have to recruit either within their own boundaries, to the disadvantage of the smaller States, or there would be a proliferation of visits by recruiters from different States seeking volunteers from the same populous areas. Training costs would be vastly increased in a similar manner.

It should be pointed out that under present programs, volunteers may not be assigned to a State without the written consent of that State's Governor; moreover, the Governor has the additional right to have volunteers removed at any time. To place the VISTA program under State control is not only expensive, it is unnecessary.

Mr. CAHILL. Mr. Chairman, I wish to indicate my support for the 2-year extension of the Economic Opportunity Act, as recommended by the committee, and to state my opposition to the so-called Quie-Green-Ayres substitute proposal. In doing so I am supporting the Director of the Federal Office of Economic Opportunity, Donald Rumsfeld, who has today again reaffirmed his opposition to the substitute measure. Mr. Rumsfeld still has the support of the administration, and it is my hope that the House will defeat the substitute.

Admittedly, my position today with respect to the substitute amendment places me in a unique position—unique because I have long been on record as a strong proponent of the block grant concept, and have called for greater implementation of Federal-State revenue-sharing programs. My opposition to the substitute, which essentially employs a modified State plan approach, derives from what I regard to be serious overriding considerations which I hope every Member will carefully consider before voting today.

Certainly the "war on poverty" has, over the years, had its problems and shortcomings. I am not blind to that. But, on balance, I believe that the poverty programs have done a great deal of good. The 35 million poor Americans, and particularly the many young people among them, who are caught in the tragic grip of the city ghetto and its cycle of hopelessness deserve our best efforts on their behalf. I agree that we can, and must, do better. But I do not believe that the substitute amendment represents that best effort. I am convinced that for us to now abruptly convert an ongoing 5-year-old poverty program, which has given rise to such commendable and vital programs as legal services, Headstart, community action, and comprehensive health, among others, would create even greater problems than we are experiencing today, and would be a grave disservice to the poor people of this Nation.

There are a number of specific reasons why I urge my colleagues to join me in supporting the 2-year extension as reported by the Committee.

First, only 6 months ago our former colleague, Donald Rumsfeld, took over the direction of OEO. During that short period, I have been impressed by his vigorous leadership and by the many reorganization efforts that he has already undertaken both in his own Washington office and in the regional offices.

Mr. Rumsfeld has promised to give substantially more attention to the way in which OEO policies are carried out at the local, State, and regional levels. And to carry out this latter promise, he has set up a new Office of Program Operation.

Mr. Rumsfeld in addition has promised to greatly expand State responsibility and contribution to the poverty program. And he has done more than promise; he has already, via directives, spelled out a six-step plan to implement the promise of greater State involvement.

This is not mere rhetoric. This is constructive action.

In my judgment, this is the only manner in which we can responsibly bring about the kind of increased State involvement that we all would like to see, without disrupting the beneficial aspects of the poverty program. I concur on this score with the committee which stated:

> In view of the commitments made by Mr. Rumsfeld, a majority of the Committee decided it would be unwise to legislatively impose what might be better be accomplished administratively by the Director of the agency.

I strongly feel that Mr. Rumsfeld has earned the right, through his performance, to have a reasonable time to solve problems administratively before new legislative directions are considered.

But let me go on and tell you what else I believe to be seriously wrong with the proposed substitute measure.

The Office of Economic Opportunity was created in the first place because the States and the traditional Federal agencies, operating independently, were not solving the serious problems of poverty. To now encourage the setting up of "State offices of economic opportunity" and the expansion to these of substantial administrative functions would cause wholesale multiplicity of effort and unnecessary duplicate staffing throughout the country. This, I believe, would have the effect of bogging us down with an even greater administrative bureaucracy—something I thought we were try-

ing to avoid—and at the expense of our ongoing substantive programs.

Let me give you a few examples. Legal Services, one of the most laudable Federal programs ever to have been created, is now funded at $54 million. It is administered on a national basis by a corps of 35 staff professionals. Not only would a great deal of the budgeted money necessarily be siphoned off from program and into administrative costs, were the substitute to be adopted, but also, in my judgment, we would risk jeopardizing the effectiveness of the program.

The same is true with the comprehensive health programs, and the Follow Through—extension of Headstart—programs. The comprehensive health program is funded at $74 million. It operates in 30 States and the District of Columbia, but yet it is administered nationally by a professional staff of 23. Follow Through is funded at $58 million, and is administered on a national basis by 19 professional staff members.

There are yet other problems which I believe the substitute would bring about.

Many of the poverty programs, notably the community action program, are built around the concept of maximum participation by the poor. It is unfortunately doubtful whether there could be substantial, let alone maximum, participation by the many poor people who reside in our Southern States. But this presumes that one of these States has had its State plan approved. And this brings me to the next problem.

In the event that a State's plan is rejected by the Federal Director, the substitute measure provides a remedy in Federal court whereby that State can appeal the decision. Thus, because of the tortoiselike pace of case-by-case litigation, a State could use this as a device to thwart the effectiveness of poverty programs within its own borders.

I would like to point out also that the substitute measure embraces the effect of the Murphy amendment, which has already passed the Senate, and to which I am also opposed. This latter amendment would give State Governors an absolute veto power over legal services programs. While I recognize that in many States, such as in my own, in many regions of our country, this would not be a harmful tool if exercised wisely. But there are some States, where there are many poor people, where there is regrettably no guarantee that such a veto would be used wisely.

The modifications made this week in the substitute, in an effort to effect a compromise, are not enough to make it an acceptable program. As Director Rumsfeld said today:

> The end result has fallen short of what is necessary for effective management. The substance of the substitute has not been altered.

I, therefore, again urge the defeat of the so-called Quie-Green-Ayers substitute amendment, and the passage of the committee-recommended 2-year extension of OEO.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in opposition to H.R. 12321. I find it amazing that any Member of this House can explain to his constituents, who only a few weeks ago were told we must continue the surtax until the President had been able to cut back on wasteful spending, why he will now cast a vote to add more billions to the $7.7 billion we have already wasted on this collection of obnoxious Federal programs. But we are not only being asked to continue the OEO today, we are being asked to enlarge what amounts to city-style jungle training in countless back alleys and church basements across the Nation.

No one can point to a significant number of successful programs under the OEO, unless, as our distinguished colleague, the gentlewoman from Oregon (Mrs. GREEN) so ably stated, the purpose of the war on poverty legislation was to foment discord in our cities and institutions.

The American people are demanding that Congress stop the wasteful spending which has forced this Nation to the brink of financial disaster. They want a good bargain for every dime we spend in their behalf.

So where do we cut, Mr. Chairman? The school lunch program? The highway construction program? No, we must cut where the waste really is—with the OEO.

The Office of Economic Opportunity is a bad bargain for America. It is a bad bargain for the poor and a bad bargain for the taxpayer.

The OEO and its web of agencies spinning off into every community in America has become a creature of black power and roistering radicalism that will hurt this Nation for generations to come unless we stamp it out.

You have difficulty in getting an Army commission with minor juvenile offenses on your record, but an arrest record as long as your right arm will qualify you for a top salary in an OEO agency. You may lose a Government job for a bad debt record, but you can work for an OEO project in a position of responsibility if you are a bad check artist or worse. You may lose a civil service pay raise unless your record is clean but you can get on the OEO dole and agitate for higher welfare payments and against "police brutality" even if you are a narcotics addict or a refugee from a criminal asylum.

The OEO community action agencies in this country have been in the hands of radicals almost from the beginning of the OEO. The neighborhood legal services attorneys have been busy taking State and local agencies into court—far too busy to take care of the legitimate legal needs of the poor. These are facts. The papers are full of them; the television livid with them.

Mr. Chairman, every evil and diseased mind put into a position of trust and leadership with OEO funds breeds and spawns a hundred more on the street corners of America. When we tolerate the handpicking of criminals, crooks, and radicals to fight the poverty war for decent Americans we are sowing the seeds of our own destruction.

In the District of Columbia an almost endless roll can be called of those who use OEO as a springboard for promoting radicalism and un-American standards to what they want to accomplish—not what needs to be accomplished to alleviate the plight of the poor.

They take antipoverty funds in one form or another, spend much of their time arranging demonstrations, participating in demonstrations, and goading on the demonstrators to violate the law. They are almost too numerous to mention. Collectively, they set a pattern for activity and favoritism of employment that is clear to anyone who will look into the backgrounds of those in the forefront of agitation in this area.

This is not accidental. It is the direct consequence of intent and dedication to disrupt and destroy the peaceful activities we are undertaking as a government to help the poor.

No government funds, Federal, State or local, should go to those dedicated to the destruction of this Nation, whether they are serious about the game they are playing or simply playing for kicks. The same rule should apply and be enforced against those whose activities reveal a pattern of law violations.

We face enough hazards in our efforts today, without risking those which are spawned by irrational minds or from criminal intentions.

Some of my colleagues hope somehow to revise this program so as not to be charged with killing it. But the residents of my district do not agree. They are alarmed and they want me to express that alarm.

Mr. Chairman, we can cure poverty. But we cannot cure the OEO by doctoring it, pampering it, or ignoring it. We can eliminate it. We can start anew without it. And we should do so with the same speed with which it was created.

The decent people of America are concerned about the problems of poverty and are willing to make whatever sacrifice necessary to solve them. So are the Members of this Congress and the Federal and State Governments.

But the job cannot be done with endless funding, endlessly wasted. It must be done by careful planning and consistent control of the funds allocated to the various programs. This would not include the use of funds either directly or indirectly to employ agitators and rioters and give them access to cash and prestige in laying out policies in direct contravention of the wishes of Congress or the good sense of the American people.

We must look at poverty and unemployment at the same time. We must look at the countless thousands of jobs going begging, then we must help the unemployed find employment and train those who are unemployable.

OEO is a creature of Congress, Mr. Chairman. So are its mistakes, its flaws, its dangers. The consequences of its risks will also be a creature of Congress. OEO has not, will not, and cannot cure poverty. When a Government agency creates more problems than it solves it is high time Congress take a long look at what is going on. Never has the need for that long look been more urgent than it is with OEO today.

Mr. FINDLEY. Mr. Chairman, one of the most effective of OEO's programs has been the emergency food and medical services program. Over a million people have been helped. More than 400 pro-

grams in more than 1,000 counties in 43 States have been developed. Fifty research or demonstrated programs have been funded. But these statistics are not enough. It is prudent to ask at this point what is happening in these programs and why they exist at all.

The programs were created to allow local people to identify local problems and to develop ways to solve them. Some of the local problems are simple and obvious. Some are subtle, complex and indistinct. For example, the simple process of hiring and training a handful of outreach workers may solve the problem of the poor who do not know about the food programs or of those who are frightened or illiterate or unable to speak English. Helping them through the certification process may enable them to overcome lifelong fear of local welfare officials.

Some of the CAA's have established simple transportation systems to get people to food or food to people. This helps to solve the problem of the isolated rural poor or of the urban mother with three children and a month's supply of commodities to bring home from a surplus distribution center. In addition, many of the programs are helping families with the cost of food stamps, and for those who cannot get certified, with outright purchases of food. They are helping with school lunches with either direct assistance to the families or through arrangements with local school lunch officials. They are established educational programs in nutrition, home care and consumer affairs. And they are developing other local programs of community self-help.

Special demonstration and research programs developing new ways of getting food assistance to migrant farm workers and looking at the problem of nutrition education, its usefulness and effectiveness. In addition, OEO is working with the development of totally new ways of approaching nutrition, education and training for school children as well as for adults. It is working with school lunch people to develop new ways of improving the school lunch system.

Many of these experimental OEO projects parallel suggestions which I proposed in my testimony earlier this year before the House Agriculture Committee. Programs which attempt to aid the poor in receiving food from widely scattered, infrequently open distribution centers will do much to alleviate the problem of hunger. Nutrition education is also vitally necessary. These measures can provide interim relief while the Department of Agriculture analyzes and revamps its food-aid programs to deal with nutrition deficiencies and poverty induced hunger.

As I suggested to the committee, effective food-distribution programs may ultimately depend upon the successful implementation of one or more of the following:

First, a requirement that benefits be made available uniformly throughout each participating State;

Second, discontinuance of Government warehousing of surplus food items and Government-issue packaging and utilization of private food stores as points for the distribution of items on a surplus list;

Third, utilization of private food stores for the sale of food stamps and delivery of surplus food vouchers. Supplementing the distribution of stamps and vouchers at food stores, we should provide those who are in poverty and regularly receiving monthly Government or retirement checks—thus having a set income—with food stamps through the mail. This part of the system could thus be automated, reducing costs and allowing the concentration of our limited manpower on those whose incomes fluctuate monthly.

Fourth, a requirement that the local unit of government certify those eligible for food stamps and/or surplus distribution quarterly and in some cases at greater intervals, with vouchers or stamps issued more frequently to the poor than at present.

Fifth, permitting concurrent operation of both the food stamp and surplus distribution programs in counties. All poor people would be eligible to purchase food stamps, but those of extremely low income would also be made eligible for surplus food vouchers.

This would serve two important purposes: it would give extra free food to those who have the greatest need for it; it would create a highly flexible means of stimulating consumption of selected items that may from time to time become in heavy surplus.

Sixth, a requirement that each eligible family include at least one person with competence in food purchasing and preparation.

On October 30, the Director of OEO, Don Rumsfeld, assured me that these and other approaches to the problem of hunger and malnutrition were under active review by his office. The present emergency food and medical services program is effective, and under the new Director's guidance and innovation will become even more so. It maximizes its cost effectiveness by maximizing the utilization of other programs.

In my opinion, it deserves our continued support.

Mr. BOLAND. Mr. Chairman, on December 3 I intended to cast an enthusiastic vote for H.R. 12321, the Economic Opportunity Amendments as reported by the House Education and Labor Committee. I was unable to do so because of the precipitate introduction of a substitute bill, which few of my colleagues had heard about and even fewer had seen. We wanted time to study this bill, to see how it compared to H.R. 12321 in its effects on the Office of Economic Opportunity, and to determine what particular needs it answered. After having studied this substitute proposal, I announce that my vote for H.R. 12321 will be cast with an even greater awareness of its wisdom and generosity toward the poor. By voting for the Committee-reported bill, I will be reaffirming my personal commitment to promote the elimination of poverty in the world's wealthiest Nation.

H.R. 12321 would extend the legislative authority of the Economic Opportunity Act for 2 years—until the end of fiscal year 1972—just as the administration requested. This extension would allow for greater efficiency in the planning of programs and allocation of funds. It would also provide for a greater feeling of job security among those working for OEO, encouraging the employment of more workers. This bill authorizes $1.536 billion for all OEO programs for which there are no separate authorizations provided. When we total all of the separate authorizations that appear in H.R. 12321 and add to them the general authorization, we have a total authorization figure for fiscal year 1970 of $2.343 billion, which would be some 295 million well-spent dollars greater than the Nixon administration's fiscal budget request for the programs of OEO.

The first separate authorization in H.R. 12321 would provide $110 million in funds for the Operation Mainstream and the New Orleans programs. The bill makes the finding—echoed by Committee witnesses and by studies and reports—that these two programs have been extraordinarily effective in achieving the goals they were designed to attain. Operation Mainstream is a job-creating and work-training program whose principal objective is to provide work-experience for chronically unemployed adults—among them many older people—who have no reasonable hope of obtaining any unsubsidized full-time employment. The New Careers program is designed to accomplish the objectives of providing job opportunities for disadvantaged persons, helping to meet the growing shortages of manpower in the area of services, and providing more effective services to those who need them most. H.R. 12321 emphasizes the usefulness of and the need for these two programs by creating a new part of the Economic Opportunity Act under which they would be specifically authorized.

Two other programs that have proven their worth to all observers are Project Headstart and Follow Through, both of which now appear in the Economic Opportunity Act as special emphasis community action programs. H.R. 12321 would change and upgrade their status by incorporating them into a new title IX and providing specific authorizations for them amounting to $578 million—$458 million for Headstart and $120 million for Follow Through. H.R. 12321 acknowledges the worth of both of these programs for the development of preschool low-income children and gives OEO broad authority to continue, expand, and supplement them.

H.R. 12321 then turns its attention to the disturbing problem of hunger and malnutrition in America and provides broad authority for OEO to combat that problem. The existence of poverty—related hunger and malnutrition in this bountiful land is a reproach to every citizen—and most particularly to everyone in any way responsible for the very inadequate Federal food assistance programs. The recent White House Conference on Food, Nutrition, and Health acknowledged the seriousness of the problem by calling for emergency action. H.R. 12321 would add a new title X to the Economic Opportunity Act and would provide OEO with a wide range of pos-

sible weapons to use in the battle against poverty-related malnutrition and hunger. Funds under this section could be sued to supplement and expand present Federal food assistance efforts, as well as to initiate new programs for the provision of food and medical supplies where needed to counteract serious conditions resulting from hunger and malnutrition. A total of $92 million would be authorized for these intensive programs to combat hunger and malnutrition in fiscal 1970, an increase of $62 million over what was proposed for the present OEO emergency food and medical services program by the administratino for the same fiscal year.

.I believe that H.R. 12321 offers the poor the best chance for continuing their climb out of the depths of poverty; it maintains those OEO programs that have become an integral part of the lives of many of the low-income citizens of this land and it emphasizes and increases and expands those programs that have shown their incalculable worth to everyone. We must not allow the Office of Economic Opportunity to be crippled by any proposal that pretends it is for the good of the poor, yet that threatens to take away from the poor what little they have, and we must guard against any attempts to give to the States veto power over programs in aid of the poor—such as the attempt to sabotage the neighborhood legal services program by establishing such State veto power. Let us reaffirm our 5-year-old promise to the poor—initiated when we passed the Economic Opportunity Act of 1964—by promptly passing the Economic Opportunity Amendments of 1969.

Mr. BLATNIK. Mr. Chairman, the minority report on the Economic Opportunity Act Amendments of 1969 claims that there is no real need to expand Operation Mainstream programs and that there was no testimony before the committee to justify the approach taken in the committee bill. The Bureau of the Budget's request is to continue the program at the current level of funding.

While I am sure the minority members recognize the excellence of the Green Thumb program which is to be the largest Mainstream program, they perhaps do not realize that there would be no chance to expand Green Thumb if these amendments should be approved. To the best of my knowledge, based on information available and the splendid record of achievement, Operation Mainstream is one program that has never had any serious problems whatsoever. The $86 million committed to this program since the outset is probably the best and soundest investment of the entire antipoverty program, along with Headstart.

I would like to submit for the record that there is a need to expand Operation Mainstream in Minnesota. Green Thumb has a waiting list of nearly 300 more than are currently employed in the program in the 18 approved Minnesota counties, and 19 additional counties have formally requested Green Thumb. We have had many requests for a senior aids program in St. Paul similar to that in Minneapolis.

I know that there are similar requests for Mainstream in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Iowa, Wisconsin, Illinois, and Montana, to name only a few.

These are popular programs in northeastern Minnesota and have made invaluable contributions in nearly every community throughout the Mesabi Range and in the southern portion of my district. If we can spend money for the space program and for the SST, we surely can afford to spend a little more money to give our older people a chance to earn their way out of poverty and at the same time help improve their communities.

In conclusion, I want to commend my very good friend, the distinguished chairman of the Education and Labor Committee, CARL PERKINS, on the extraordinary effort he has made to report out the best bill possible and on the outstanding legislative job he has done in shaping the antipoverty program since its very inception.

Mr. EDWARDS of California. Mr. Chairman, we are engaged today in, I hope, an act of responsibility, but we will be faced with acts of irresponsibility.

In many respects today is another of the continuing trials of the American system, of whether the American system can and will meet the needs of all of its citizens, or whether in the long run by failing the minorities, it will fail totally. I support $2.43 billion funding for a 2-year extension of the Economic Opportunity Act. I do not support amendments which will cripple this program.

I believe this House and this Government must be responsive to the needs of all of its citizens, not to just a favored few, who may be of the right race, class or economic status. Today we are considering legislation to aid those of our citizens, who in the past have been ignored, the poor of all races, colors, and creeds. There are some who do not believe that these people have rights, or that the Government should be responsive to their needs.

One of the amendments proposed endangers the entire Economic Opportunity Act. It would make the poverty program a State-administered agency. I disagree with that concept. State governments vary in their attitudes toward the poor, they vary in the quality of their administrators, they vary in the responsibility and responsiveness of their Governors. When we at the Federal level allocate Federal funds, collected from all of the people, then we must ensure that they are spent in a fair and equitable manner across the 50 States. The war on poverty is a Federal effort. It should remain a Federal effort.

I believe we all know the pitfalls in this particular amendment. We know why it is being offered. We must defeat it. Some of the arguments against this amendment hold equally true for another crippling amendment which I will discuss later.

We have made a national commitment to end poverty. Let us continue that commitment.

The bill as reported to this House has the specific support of President Nixon. It has the enthusiastic support of the Director of Office of Economic Opportunity, Donald Rumsfeld, a respected former Member of this House. We should pass it without amendment. The amendment proposed by Representatives GREEN, QUIE, AYRES, SHERLE, GIAIMO, and WAGGONNER, would defeat the purpose of the Economic Opportunity Act.

In addition Senator GEORGE MURPHY, of California, has proposed an amendment, an amendment that will be considered by this House, to cripple a part of the Economic Opportunity program. This amendment would in fact eliminate the right to legal counsel for the poor.

In California legal aid programs, financed through this act, such as the Legal Aid Society of Santa Clara County and the California Rural Legal Assistance have done more in a few short years to aid the poor than any other single program. Providing legal aid to the poor is controversial, and irresponsible attacks have resulted. But let us look at the accomplishments of these programs. These programs have required every county in California to provide a food stamp program for the poor. Is this irresponsible? These agencies have challenged unfair credit practices. Is this irresponsible? They have asked that the State obey its own laws. Is this irresponsible? And they have offered to the poor, the protection of the law, instead of reserving that protection for only the affluent. Is this irresponsible?

In fact that is what the Murphy amendment is all about. Should the protection of law be offered to all, or should it, as the Governor of the State of California wishes, be reserved for only the affluent? Mr. Reagan, and the men here who do his bidding, appear to believe that law and order should benefit but one class, instead of all. They are afraid that if the poor are represented and protected before the bar of justice, that their failures will be exposed.

The Murphy amendment gives Governors the right of veto over legal programs. Why should they want such a right? In the hands of the responsible Governors the right will not be exercised. In the hands of the irresponsible Governors, it will be used to eliminate any challenge to arbitrary and sometimes illegal actions.

The American system is supposed to guarantee "equal protection under the law." That guarantee does not include the words, "if the Governor agrees." Let us try to live up to our American ideals. Let us be responsible and responsive.

I believe that even the Governor of the State of California can survive, perhaps even do better, if the poor have legal representation. I urge passage of this program without crippling amendments. Only, if we meet the needs of all Americans, can our system live up to its constitutional promises, and survive.

Mr. HALPERN. Mr. Chairman, in considering the Office of Economic Opportunity in the past it has become a common practice to accent the shortcomings of the agency's activities. No doubt we will hear much of the same

kind of criticism today. However, I feel OEO has made significant contributions in the battle against despair and deprivation that far transcend the daily headlines that have been unfortunately associated with the war on poverty.

In particular, OEO's constructive action in two areas which I am familiar with are significant and worthy of continued congressional support. I am referring to OEO's role in implementing the model cities program, and OEO's highly successful VISTA program—Volunteers in Service to America.

Since the inception of the model cities program, the Office of Economic Opportunity has been fully committed to its objectives and has devoted significant amounts of staff time and agency funds to that program. In addition to four full-time staff members in the headquarters office, OEO has placed specialists devoted to this program in each regional office. In fact, most regions quarters office, OEO has placed specialists.

OEO has also made program design and funding commitments to the model cities program. Some of these include:

First, earmarking: This year, OEO has agreed to earmark approximately $20 million specifically for the model cities program.

Funds will be used for a variety of programs, including Legal Services, Comprehensive Health Centers, research and demonstration projects, and technical assistance to model neighborhood residents.

Second, technical assistance funds: In addition to the funds committed for fiscal year 1970, last year OEO worked with the Department of Housing and Urban Development to fund a joint effort to provide technical assistance to model city neighborhood groups. In cooperation with HUD, the city demonstration agencies, and local government officials, OEO funded 65 cities for a total of $4 million. These projects will permit the neighborhood residents to work in partnership with city government and with the community action agency to establish broad support for the model cities program.

Third, participation in the approval of comprehensive model cities plans: OEO has devoted enormous time and effort at both the regional and headquarters levels while participating in the review and approval of the plans developed by the citizens and local officials of individual model cities. When appropriate, OEO personnel in legal service, comprehensive health, research and demonstration, manpower, and Headstart have carefully reviewed and counseled the Department of Housing and Urban Development on the quality of the proposals.

Fourth, involvement of community action agencies: In many cities, the community action agency actively assisted city government in establishing the original framework of the local model cities program and in getting all elements of the community involved in model cities. This cooperation between community action agencies and model cities is continuing now that the program is completing its planning and moving into establishing and operating programs.

In the coming year, OEO plans not only to continue its close association with the model cities program but to make a major effort with the Department of Housing and Urban Development to insure that community action agencies work closely together to impact the problem of urban poverty.

This positive contribution to model cities is an indication of what OEO can do at its best. We should not seek to hinder the agency in its ability to continue doing such things. Clearly, it can operate successfully under the most unstable conditions. It could do much better if we finally gave it some breathing room.

Mr. Chairman, while I am discussing some positive accomplishments of OEO in the urban area, let me mention the VISTA program and its contribution to rural areas.

It is hard to believe the last-minute airing of the proposed amendment to turn VISTA over to the States is not a deliberate attempt to kill the volunteer program. Through waste, mindless multiplication of effort, and in many States, a lack of qualified volunteer applicants, this proposed reorganization would kill a program that has effectively and peacefully brought much needed social advance.

VISTA now has seven regional training centers. The cost of operating with Federal funds, 50 separate State organizations for recruitment, selection, training and assignment of volunteers would be enormous. The result would be much waste and few benefits.

VISTA is not perfect. It is and has been one of the most effective programs designed to change the conditions of poverty in the ghettos, barrios and rural poverty areas. Over 20,000 volunteers have served, or are serving for a year, working and living with the poor. They use their skills in education, business, medical techniques, and in other fields—to help give people in poverty a chance to advance, a chance to produce, and a stake in their own communities.

President Nixon has said that only Americans can disgrace America, and he is right. But Americans who have little money, bad health, too little food, and no effective training with which to advance, have little with which to preserve their pride in themselves and their country.

Skilled VISTA volunteers have helped poor people better their lives through their own efforts. Volunteers are of all ages, but mostly they are young. Increasingly, they are skilled—in law, business, medicine, education.

Seventy-three percent of volunteers are now college graduates. By next summer 2,000 of the 6,000 volunteers in the field will be persons with professional skills—lawyers, business specialists, planners, architects, nutritionists.

Under this amendment, States most needing skilled volunteers, the rural States, the poorer States, face an impossible job if confined to recruiting within their borders. Skills are not evenly distributed. The schools that produce lawyers, business graduates, health technicians, are not evenly distributed. Skilled volunteers tend to be recruited from the more populous States. The amendment would destroy the quality of VISTA's best projects. It would not enhance local control in any meaningful way.

VISTA has learned, since its inception in 1964, that State supervision is a vital requirement for a strong program. Supervisory personnel are recruited from the local agency sponsoring VISTA. The local supervisors are required to meet high common standards. Thus, there is meaningful local control already in the program.

VISTA AND THE STATES

The proposed "substitute bill" calls for a restructuring of VISTA giving States the power to recruit, select, train and assign VISTA volunteers under grants from the Director of OEO.

VISTA, in fact, has already taken major steps in this direction through close coordination with several State governments.

For instance, in Massachusetts, 88 VISTA volunteers are assigned to the State department of community affairs, working throughout the State in programs designed by and for Massachusetts. In Alaska, VISTA volunteers are assigned to remote villages supported directly by the State. And in Puerto Rico, VESPRA—the Commonwealth's Volunteer Corps—places and supervises its own volunteers.

The Governors of the various States presently have complete control over the VISTA programs in their States at two levels:

First, prior approval of projects: Every VISTA project by legislation, including regular and Associate Programs, must receive Governor's approval in writing before any project can start. Although it is not required by legislation, VISTA has traditionally requested Governor's approval for its research and demonstration programs.

Second, termination during course of project: Any Governor has the legal right and authority to request the removal of any volunteer and to order the termination of any VISTA project within his State at any time during the history of the project.

It is interesting to note that during VISTA's 5-year history, only the State of Mississippi has never allowed a VISTA program within its borders, and only the Governor of Texas has requested termination of certain volunteers. These project closings represent a total volunteer strength of only 25 of the more than 20,000 volunteers who served their Nation through VISTA. A Governor's prior and retroactive veto already insures his control over VISTA projects. And the fact that only 25 out of 20,000 volunteers have been removed over a 4-year period of time indicates that the present system is working.

The proposals of the substitute amendment would in fact weaken Governor's control by allowing the Director of OEO to overturn the Governor's veto of proposed VISTA placements.

Other important factors to consider:

First, equitable distribution of skilled volunteers: Only a few States produce significant numbers of highly specialized volunteers such as doctors, nurses, lawyers, architects, and planners, and graduate students. In order to insure

that poor people everywhere are effectively served, VISTA must distribute this rare, highly trained resource among all States based on need regardless of that State's historical ability to produce.

Second, expressed preferences for location of service: The overwhelming majority of the more than 100,000 people who have applied to be VISTA volunteers have requested assignment to locations other than their homes where they have other obligations that would interfere with full-time service of living and working with the poor.

Third, national emphasis aspect: VISTA is unique in that it represents this country's only federally financed volunteer program. VISTA has a national emphasis and a national stature that underscore the administration's commitment to volunteerism and increase VISTA's ability to recruit the most capable men and women in the Nation for public service.

Fourth, increased cost of the program at the State level: It is estimated that the unit cost of fielding a volunteer would rise twofold as each of the 50 States would be required to establish individual program development units, recruiting offices, selection divisions, and volunteer logistics and support mechanisms. As it now stands, VISTA headquarters now provides these functions on a nationwide scale, while insuring local control of volunteers by local sponsors and supervisors.

What is the point of this amendment? The inevitable result would be that fewer skilled volunteers would be used less effectively at higher costs. The programs would reach fewer poor people.

I ask you to continue VISTA as it is a successful program that grapples directly and effectively with the enormous problem of bringing Americans out of poverty.

And I urge you, my colleagues, not to emasculate the entire OEO organization. We must rise above our narrow grievances and not allow the underprivileged to lose faith in a democratic system which can truly provide solutions to their problems.

Mr. RARICK. Mr. Chairman, this is a bill providing for the further extension and funding of the Office of Economic Opportunity, the so-called war on poverty agency. Apparently the biggest controversy surrounding this disreputable agency is the control or lack of control by duly constituted authorities in the States and communities where its "legal aid" operations are to be conducted.

An interesting item in the local press—and one which will certainly not be carried nationally—addresses itself directly to the point raised by many responsible elected public officials. It is the height of absurdity for the Federal Government to finance and dignify some of the irresponsible, unethical, and immoral conduct of this bevy of young lawyers. They seem to favor activities of a nature long classified as maintenance, champerty, or barratry; their lawsuits clutter the dockets of busy courts, and mislead unsuspecting people. Responsible officials rightly complain.

The District of Columbia, under a statute enacted by the Congress in 1901, has defined the crime of adultery and provided a punishment of fine and imprisonment for a year as the penalty for its commission. The criminal law of the District also provides for the prosecution of accessories as principals. Both of these criminal provisions are consonant with the generally accepted standards of good order in our society today—or at least I am unaware of any desire by any Member to repeal the law and legalize adultery.

Nevertheless, we are paying young lawyers, through the legal aid apparatus of the OEO, to advise, aid, and abet the commission of the crime of adultery in the District of Columbia. In the infamous Higgs case, both of the parties executed and filed in the district court affidavits which amount to complete confessions of having lived in open and notorious adultery for a period of years, living in such a state at the present time, and an intention to do so in the future. Their OEO-funded attorneys supervised the execution of these incriminating affidavits in the course of filing a lawsuit to require that this couple be provided public housing accommodations for their criminal liaison.

Members of the bar may be surprised to learn that a proceeding to aid the commission of a crime involving moral turpitude was brought in a court of equity.

The ultimate result is that poverty lawyers are paid by OEO with taxpayers' funds—the defendant's attorneys are the District of Columbia Corporation Counsel and Justice Department attorneys also paid by the taxpayers—the judge and all the court personnel are paid by taxpayers and since the petitioners are proceeding in forma pauperis every penny of the court cost is borne by the taxpayers.

Although the suit is still pending—prosecuted, defended, and tried at taxpayers' expense—under an OEO grant—a news item indicates that the National Capital Housing Authority has now totally capitulated to the demands for federally subsidized crime and immorality, by announcing that unmarried couples—living together in open and notorious adultery, in flagrant violation of the criminal laws of the District of Columbia—are now eligible for public housing.

For some peculiar reason, there does not appear to have been any prosecution of an open and shut criminal case against the adulterous couple, their advisers, or any question of review of the ethics of attorneys who have obviously both counseled and encouraged the commision of crime.

I insert title 22, section 301 of the District of Columbia Code and a related news clipping in my remarks:

DISTRICT OF COLUMBIA CODE

TITLE 22—CRIMINAL OFFENSES

Section 301. Adultery—Definition and penalty

Whoever commits adultery in the District shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both; and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery. (Mar. 3, 1901, 31 Stat. 1332, ch. 854, § 874.)

[From the Washington Post, Dec. 11, 1969]

UNMARRIED COUPLES GET HOUSING RULE

Low-income couples who are not legally married or free to marry are now eligible for public housing here under a change in National Capital Housing Authority regulations.

Washington's housing authority formerly denied admission to couples who were not formally wed or living in valid common law marriages.

The change in NCHA regulations, effected in October but not previously made public, came after an Anacostia couple who had lived together for 13 years sued NCHA for denying their housing application.

James and Beulah Higgs, who live with their seven children in a two-bedroom apartment, said they were unable to afford a divorce for Mrs. Higgs, who is still legally wed to a man she married in 1947.

The amended NCHA regulation says unmarried persons are eligible for public housing if they "give evidence of a stable relationship that has existed over a period of time."

NCHA informed the Higgs family recently that their original public housing application, filed in October, 1968, had been accepted and placed on a priority list because of their overcrowded living conditions. The couple needs a five-bedroom apartment, NCHA said.

The Higgs' antipoverty lawyers plan to continue their lawsuit, saying the new provision is vague and discriminates in favor of married couples, who do not have to prove they have a stable relationship. The Neighborhood Legal Services Program lawyers will also seek a court order requiring NCHA to notify all unwed couples previously denied admission about the change.

Mr. BIAGGI. Mr. Chairman, as we take up the Economic Opportunity Act Amendments of 1969, I would like to rise in support of the special programs and Assistance Section of this act. I feel section 222(4) really provides the machinery and resources necessary to launch a comprehensive, concerted attack against the problems of narcotics addiction and alcoholism in areas of urban poverty.

It is already well known that addiction to opiate narcotics, dangerous drugs, and alcohol constitutes a significant and growing problem in America. However, few realize the disproportionately high incidence of addiction among the poor. Of the 190,000 narcotics addicts in this country, at least 150,000 of them are defined as "poor" under OEO guidelines.

The behavior pattern of this group of people is commonly referred to as "hard core," "antisocial," or "marginal." Repeated criminal offenses are associated with this group, and it is not surprising to find an ex-addict who turns to alcohol, a delinquent who begins taking drugs, an addict who turns to crime to support his drug habit, or a person who is dependent on both drugs and alcohol.

The life pattern of drug addicts and alcoholics in urban ghetto areas and among the rural poor is one of a progressive alienation from society, repetitious antisocial acts resulting in frequent jail terms, and a marked tendency to recid-

ivism under our present rehabilitation programs.

Stolen property which directly relates to drug addiction or alcoholism costs this Nation several billion dollars yearly. In addition, the taxpayer on the Federal, State, and local level is faced with the incarceration costs of addicts who, by age 40, may have spent from 8 to 10 years in jail.

Mr. Chairman, it is apparent that too much emphasis has been placed on the "cure" rather than on finding ways to assimilate these people back into the mainstream of a productive life once they have been rehabilitated.

More emphasis needs to be placed on programs which would be designed specifically to provide specialized supportative services for employment opportunities for rehabilitated addicts. As it now stands employer resistance to these people is quite high and their job possibilities upon release from treatment are extremely difficult to find.

In my judgment, OEO is in a unique position to make a valuable contribution in the development of such a comprehensive rehabilitation program.

Section 222(4) of the act as amended provides the necessary facilities, personnel and resources to accomplish this goal, and I further understand that OEO intends to mobilize its energies and forces in this direction where narcotics addiction and alcoholism is concerned.

OEO can view the problems of poverty in perspective, as it already has widespread services and programs underway.

It has established an entree and credibility with the poor on a neighborhood level that is vital to the success of any rehabilitation effort.

I urge your supoprt, Mr. Chairman, for the realization of this goal, and I urge all my fellow Members in the House to join with me in supporting this section of the act. Rehabilitation and assimilation is the key to the cure of these cancerous social ills. I look forward to the day when widespread addiction is no longer one of the skeletons in our closet of social ills.

Mr. DANIELS of New Jersey. Mr. Chairman, 5 years ago this distinguished body enacted the Economic Opportunity Act of 1964. Thereafter, in 1965, 1966, and again in 1967, we amended that act by adding to it provisions designed to strengthen the administration of the Office of Economic Opportunity so as to improve the efficacy of the program.

At the same time that we tightened the operating procedures of OEO, we also supported its programs by providing sufficient funds and legislative authority. And we are once again faced with the task of writing amendments to the Economic Opportunity Act. Once again, the Committee on Education and Labor has reported out a bill—H.R. 12321, the Economic Opportunity Amendments of 1969—which would amend the act by providing funds and continued legislative authority to programs which we in Congress labored long hours to produce since 1965.

This bill provides increased emphasis on and support for five programs, based, in four cases, on the proven success these programs have achieved during their span of operations and, in all cases, on their demonstrated need.

The committee bill, are requested by President Nixon and his OEO Director, would preserve the structure of OEO intact.

The bill would allow OEO to continue its self-imposed labor of putting its house in order and would at the same time enable the Congress to determine the success of the effort.

H.R. 12321 would also—again at the President's request—extend the legislative authority for OEO until the end of fiscal 1972. It would provide $1,536 billion in unearmarked authorizations for OEO programs. A sum which would be increased by the amounts separately authorized for four very effective programs and one program for which there is a most urgent need.

A new section E is added to the "Manpower" title of the present act. Two programs—Operation Mainstream and New Careers—would thus be given separate and special status among OEO's other manpower programs. Operation Mainstream, a job creation and work training program for chronically unemployed, low-income adults with hope for unsubsidized full-time employment, has been in existence some 2 years. During that time, it has provided nearly 20,000 enrollment opportunities at a cost to the Federal Government of $72 million. Participants can work in projects for the improvement or beautification of their local communities and in projects involving the management, conservation, or development of natural resources and recreational sites in rural areas or in towns. This program has a tremendous number of enrollees who are 45 or over, an age group that accounts for one-fourth of the total unemployed. The present unemployment situation, plus the enthusiastic endorsement by numerous witnesses before the committee, makes it evident that the continuation—and upgrading—of Operation Mainstream is a national necessity.

Similarly, New Careers has proven its worth in its 2 years of existence. This program provides meaningful job opportunities for low-income persons, particularly by means of opening up new entry routes into the service industries—an area where there is a serious and growing shortage of available workers. The committee found that New Careers, whose enrollees would be able to get off of welfare, has specifically demonstrated the potential for transfer from welfare to human service status," an achievement that is becoming increasingly important in the light of the special emphasis now being given to work alternatives for welfare recipients. H.R. 12321 would provide $110 million for these two worthwhile work and training programs—of which $60 million is intended for operation maintream and $500 million for New Careers.

The 1969 amendments also make special provision for two early childhood development programs that have been particularly successful: Headstart and follow through. A new title IX would be added to the present act which would incorporate these two programs.

The committee—along with most independent observers—found that Headstart was "one of the most effective programs initiated under the authority of the economic opportunity act . . ." and that its importance must be emphasized in the total effort to eliminate poverty. Accordingly, $458 million would be earmarked for this program in order that more of the preschool children who need this program so desperately could be served by it. Followthrough, the follow-up program for low-income chidren in their early years of school, would also be given increased emphasis in this bill, and would also receive separately earmarked funds amounting to $120 million.

The purpose of Headstart is to develop the intellectual, emotional, social, and physical growth of poor preschool children and to focus community attention upon the needs of these children and their families. Acting on the knowledge that the early years of childhood are the most critical in the growth and development cycle. Heardstart aims to provide the experience and opportunities for these children to fully develop and succeed in school. Since children of the poor in general have been demonstrably lacking in necessary early experiences available to their more advantaged peers, special help is provided for the disadvantaged child.

In addition to providing services, we must increase our knowledge of how to best intervene in the lives of poor preschool children, substantially integrated with Headstart follow through experimental programs.

Follow Through is a program of great promise in the early primary grades for graduates of Headstart and other quality preschool programs. Follow Through provides these children with special instruction, health and dental care, a nutritious lunch and often breakfast—for many children their only balanced means—and other services that can make the difference between success and failure in school.

Follow Through is a small program, but it is a research and development program that should tell us a great deal in the next few years about how young children, especially poor children, actually learn and develop as individuals. Such research is vitally needed.

From its inception as a national program in 1967, Follow Through has worked closely and harmoniously with State educational agencies and State officials of the Office of Economic Opportunity. As a national program, this year it has projects in 49 States, the District of Columbia, and Puerto Rico. Every project was initially recommended for funding by the State concerned.

Finally, H.R. 12321 would add a new title X to the present act in which intensive programs to combat hunger and malnutrition would be authorized. The fact that poverty-related hunger and malnutrition exist in this land of plenty has been recorded and condemned by all observers, including President Nixon.

The committee felt that OEO, with its unique system of local involvement and participation, would be the logical agency to initiate programs to supplement and support our present Federal food assistance programs, which are generally regarded as inadequate. Thus, the 1969 amendments would give OEO broad authority to develop programs to provide food and medical supplies to counteract conditions of starvation and malnutrition among the poor. These programs would supplant the present OEO antihunger efforts, the emergency food and medical services program, which has been relatively effective but which has been seriously underfunded. In its place, the new programs authorized by this bill would be provided $92 million in separately authorized funds.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill before us, designed to extend and improve the Economic Opportunity Office programs over the next 2 years, will be substantially accepted and approved here this afternoon.

Back in 1964, this Congress and this Government through the adoption of the original Economic Opportunity Act, declared war upon the poverty of some 30 million American citizens in this affluent land of so much plenty and promise. Our high obligation here today, hopefully in an atmosphere of cooperative understanding and mutual concern, is simply to insure that this war is adequately carried forward, without any crippling amendments.

Many of our colleagues here have very earnest and sincere questions about various features of several different programs being projected by this legislation. Let us give them our most conscientious attention and action, but let us remind ourselves that in every great war, some weaknesses are bound to develop. I submit that a few mistakes and misuses do not constitute justification to entirely suffocate and abandon this crusade for the poor and despairing among us.

I am not suggesting the establishment of perpetual care programs, nor do I think that the great majority of those affected want such care. Our only intention here is that poverty-stricken people and their children, through no fault of their own, who need and will respond to help, will continue to be given such help in improving their own and their family's economic status, so that, gradually, the desperate need of assistance will diminish and the programs, themselves, can, accordingly be correspondingly restricted and eventually eliminated.

The investment proposed under this legislation is unquestionably reasonable and undoubtedly prudent. By all authoritative testimony and evidence, the alternatives, as measured in the costs to this country, direct and indirect, of crime, juvenile delinquency, and productive manpower losses, would vastly outweigh, far into the uncertain future, the expenditures to prevent the everlasting continuation of these national evils.

In the balance, by whatever judgment norm, it is very clear that the war on poverty has been a vitally important and very positive contribution toward the continuing integrity and stability of our country.

It is a war that was declared by the Federal Government, mainly because the various States were unable to cope with the overall problems involved.

Let us, therefore, Mr. Chairman, continue to give reasonable help and hope and opportunity to those millions of our fellow Americans who are truly trying to help themselves and their children improve the quality of their lives, so that they can more fully contribute to our common and desperate efforts to achieve a more peaceful and progressive country and world.

Mr. RANDALL. Mr. Chairman, I regret that the parliamentary situation, which has been agreed to, limits time to 6 p.m. for amendments to the Ayres substitute which will prevent an explanation of my amendment.

Accordingly, for the RECORD, let me state my amendment should be entitled, "The Applicability of Canon's Ethics to Legal Services Programs." It is a very simple amendment. It assures the maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. It does nothing more or less than spell out the requirements that the canons of professional ethics promulgated by the American Bar Association will be complied with.

There are widespread allegations that attorneys funded by the poverty program have engaged in solicitation of cases. There are even allegations that some of those under the legal services program are actually practicing law without a license. Certainly, all the attorneys rendering these legal services should be willing to demonstrate proper professional conduct.

My amendment would give an aggrieved citizen the right to register his complaint outside of the bureaucratic channels of the Office of Economic Opportunity. My amendment would have the overall objective of improving these legal services because it would enforce observance of legal ethics. Every attorney would know that complaints could be brought to the attention of the administrative office of the U.S. courts, meaning to the attention of someone outside of OEO. There is ample precedent for such a function being performed by the administrative officer of the U.S. courts because at the present time he is required to summarize allegations and complaints under the Safe Streets Act and to convey his summary to the Congress.

Under my amendment the Director of the Administrative Office of the U.S. Courts would be required to make an annual summary of complaints submitted to him by aggrieved citizens who complain against the legal services projects of OEO. He would simply make a report, objective in character, without evaluation or comment. It would be available upon request to the concerned committees of the Congress. My amendment should receive the support of all those who profess a real interest to improve the legal service section of the Office of Economic Opportunity.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. AYRES

Mr. AYRES. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. AYRES: Strike out everything following the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1968". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the two succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTI-POVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of anti-poverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligible programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251(a). The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobilize and develop available resources at the State level needed to assist anti-poverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity to (but not to exceed 30 days) review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office (with the concurrence of the Governor) shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office) for funding under this title unless the Director shall have made a finding that approval of such application would strengthen the overall program plan of a local community action agency; or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this Act.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1) except to the heads of other Federal agencies and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252. (a) Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinafter referred to as the 'State Council'), appointed by the Governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and labor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for use of funds under sections 221 and 222 and title VIII of this Act which plan (1) is prepared in consultation with the State Office, (2) extends over a period of not less than five years and (3) taking into consideration available resources, sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253. (a) State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluation of programs, services, and activities assisted under this title;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to section 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedures satisfactory to the Director for approval of applications for assistance under sections 221 and 222 of this title and under title VIII submitted by local community action agencies and other qualified applicants, and for the review and monitoring of the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of programs funded under this part with State-administered programs affecting the poor;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a public hearing by the State Office;

"(8) provides assurances that Federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such inforamtion and affording such access thereto as the Director may reasonably rquire to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall by regulation establish criteria for approval of State developmental and coordination programs submitted pursuant to subsection (a), and when he finds that such a program complies with such criteria and the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such program will be carried out, he shall approve such program, and the Director shall not finally disapprove any program submitted under subsection (a), or any modification thereof, without first affording the State Office reasonable notice and opportunity for a hearing.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State Offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such State for such year under section 225(a) and (b); *Provided, however,* That, until June 30, 1971, the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State, or that it is necessary to assist programs authorized under section 222 of this Act.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, the Director shall notify such State office that no further payments will be made to the State under the State program (or, in his discretion, that further payments to the State under the program will be limited to activities under or portions of such program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall support eligible community action and VISTA volunteer programs in such State in accordance with other provisions of this title (except that he may support those activities under or portions of the State program not affected by such failure).

"(2) A State office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United States Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts if supported by substantial evidence shall be conclusive, but the court, for good cause shown, may remand the case to the Director, to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action."

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program), as are ordered in accordance with the law of the jurisdiction, by the court or other board or agency which has juisdiction of the matter, the same as a private person."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 303. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 304. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

TECHNICAL AMENDMENT OF GOVERNOR'S VETO PROVISION

SEC. 305. Section 242 of such Act is amended by striking out the period at the end of the first sentence and inserting:

"; *Provided, however,* That this section shall not apply with respect to any application which the State Office has recommended not be approved under section 251(c)(1)."

AUTHORIZATION OF STATE AUDIT

SEC. 306. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of each community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(a) For purposes of chapter 15 of title 5

of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating community-wide antipoverty programs, or any agency assuming part or all of such responsibilities (including the administration of components of a community action program) under delegation from an overall community action agency, and receives assistance under this Act, shall be deemed to be a State or local agency."

ANTI-RIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"Sec. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a)" after "Sec. 621." and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however, described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall: (1) at the time of entering into any contract or arrangement with non-governmental organizations or individuals for the evaluation of programs or projects administered by him under this Act, or entering into any substantial modification of any existing such contract or arrangement, furnish to the Comptroller General of the United States a copy of the contract or modification thereof or a description of the arrangement or modification thereof, together with a statement of the bases upon which he considers the evaluation work involved and the estimated cost thereof justified, and upon which he has determined that it was necessary to contract or arrange with a non-governmental organization or individual for its performance;

(2) require each community action agency designated under section 201 of this Act, to advise him of each contract or arrangement entered into by it with non-governmental organizations or individuals for the evaluation of programs or projects administered by it under this Act, including information regarding the purpose, cost, scope, evaluation methodology, and organizations or individuals involved in such contract or arrangement; and

(3) furnish to the Comptroller General of the United States at the end of each calendar quarter a listing of all contracts or arrangements reported to him in accordance with paragraph (2) of this subsection during such calendar quarter, including identification of the program or project, the organization or individual and the cost involved in each contract or arrangement.

"(b) The Comptroller General shall conduct evaluations of programs carried out under this Act, and upon request by a committee of the Congress, or to the extent personnel are available, by Members of Congress shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal aegncies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity and of community action agencies designated under section 201 of the Act of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness, in achieving the objectives of this Act.

"(d) The Comptroller General or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this Act."

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of these sections.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantal financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a positon (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personnel actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810 (a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under section 222(a)(3) of this Act."

Mr. AYRES (interrupting the reading). Mr. Chairman, the amendment is printed in the RECORD as of yesterday, it is in today's RECORD, and in view of that and the 3 hours of discussion on the substitute, I ask unanimous consent that the substitute amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his substitute amendment.

Mr. AYRES. Mr. Chairman, I feel that the substitute amendment has been thoroughly discussed in general debate. I think it is understood by all why many of us, on both the minority side and majority side, feel that a substitute proposal is necessary. I repeat that this is not an Ayres substitute as such, it is not a Republican substitute as such, but it is an amendment that was worked out by the members of the Republican Party and members of the Democratic Party in a truly bipartisan manner.

However, it is my understanding, Mr. Chairman, that there are several amendments to be offered to the substitute, and I would hope that we can give serious consideration to the amendments, because after the President's press conference of Monday evening, we were advised, both publicly, through the press and over the television, that the President has suggested in very exacting terms that we work toward accommodations. That we have done.

I want to commend the gentlemen who have worked so hard to bring about a meeting of the minds in this very com-

plicated and controversial field. This substitute is not a slap in any way at the Director of the Office of Economic Opportunity. Quite the contrary, it is a sincere attempt to give him the tools that we feel are necessary, having lived with this program for over 5 years, for him to do the job to help the poor, which we all know has not been done under the existing structure of the Office of Economic Opportunity.

I would hope today, Mr. Chairman, we can pass the substitute. We can go to conference with the other body with a vehicle which will make it possible for us to come back to this House with a proposal which is acceptable to the House and at the same time will give this program redirection, under new leadership, so that when we come back after this act expires, approximately a year and a half from now, we will be able to say to ourselves, "We did a god job. The Director has done a good job. The original purpose of this act, to help the poor people of this country, has been accomplished."

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the substitute amendment.

(Mr. BRADEMAS asked and was given permission to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Chairman, there are many reasons I rise in opposition to the amendment offered by the gentleman from Ohio. I only have 5 minutes, so I do not have enough time to go through all of them. Let me try to recite two or three.

In the first place, this proposal to turn the control of the efforts to fight poverty in our country over to the States is an antilocal control amendment if I ever saw one. We get a lot of speeches in this place about how deeply we care about assuring local control over important Federal programs, but I have here in front of me a letter which I take it all of us received today, signed by four outstanding mayors of our country. I really do not know the political views or the partisan affiliation of most of these mayors, except the one from my own State, the mayor of the city of Indianapolis, Mayor Richard G. Lugar, who has just been elected to an important position as the leader, I guess it is, of the National League of Cities.

All four of these mayors—of Philadelphia, Pa.; San Leandro, Calif.; San Diego, Calif.; and Indianapolis, Ind.—are mayors who are strongly opposed to the legislation proposed here today in the nature of the amendment offered by the gentleman from Ohio. They say:

> As the local elected officials closest to the individuals that these programs serve, we urge you to reject any attempt to remove the control of these programs from the local communities. The substitute would remove the control but leave the responsibility for the programs on the shoulders of the mayors of this land.

Mr. Chairman, the mayors sent along an editorial from the current issue of the magazine of the National League of Cities, Nation's Cities, which states:

> To sweep away the truly local character antipoverty programs would bei most unfortunate. And to sweep them away under the guise of local control when the true meaning is state control would be a fraud on the public and particularly on the poor.

The mayors say, "A fraud on the public and particularly on the poor." That is not I speaking as a Democratic member of the committee. This is from a letter signed by four outstanding mayors of both parties, making very clear what the amendment offered by the gentleman from Ohio and those who support it represents.

I have here a letter I have received from my Republican friend from Indianapolis, Mayor Lugar, who says in his letter dated November 17:

> I am hopeful that you will vote to defeat amendments offered to provide state governmental interference in the O.E.O. programs. I can assure you that I need to maintain control by the City of Indianapolis of any O.E.O. programs in our jurisdiction in order that the results will be reasonable and just. Relationships between Indianapolis and O.E.O., directly, are often complex. Interposing state government in the middle of these relationships would create an intolerable mess, in my judgment.

That is a second reason why this amendment seems to me to be most unfortunate, Mr. Chairman.

I believe that those who have observed State government in the United States are aware that historically our State governments have done almost nothing to make any serious contribution toward solving the great problem of enormous poverty in a very wealthy land.

I come from the State of Indiana, and I know whereof I speak when I refer to my own State. My own State does not even have a State economic opportunity office. My own State does not even allow, because of the position of our Governor, the people of the State of Indiana to participate in the programs afforded by the Older Americans Act.

My own State, only this year, within the last month, decided to join the union and permit the citizens of Indiana to have an opportunity to enjoy the benefits of the continuing education program under the Higher Education Act.

The fact of the matter is, and everybody here knows it, that State governments have been notoriously recalcitrant about responding to the needs of urban people generally, but of poor people in particular in both rural and urban America.

And for Congress to vote to take the Federal funds that President Nixon, when he urged that we extend for a period of 2 years the present poverty program, and turn these funds over to the States, would be an indication that Congress is not willing to give consideration to any serious and honorable means to help the poor people of our country.

Mr. Chairman, it is possible that the wealthiest nation that mankind has ever known will turn away from the ancient and serious problem of poverty?

As the mayors wrote, the substitute amendment and its results would be a fraud on the public and particularly on the poor. They know it. They just have a hard time getting their message through to their elected Representatives in Congress.

Mr. Chairman, I hope very much the substitute is defeated.

Mr. CLAY. Mr. Chairman, I rise in opposition to the substitute amendment.

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Chairman, I strongly support the bill reported by our committee. I offer my support—not because the bill meets the needs of poor Americans—but because it is the only bill we have which incorporates the kinds of concerns translated into programs which can address the needs of poor Americans. I strongly oppose the substitute bill proposed by certain Members of this body who seek to turn OEO over to the States. And I submit that their effort would effectively destroy these programs for the poor—and would give a dose of overkill to the little hope left for rallying this Government to a solution for poverty.

Any Member who can seriously suggest that the States of Mississippi, Georgia, Alabama, and others—both North and South—will pick up the banner of social and economic reform and charge into the poverty areas in those States—is simply ignoring truth and fact. Any Member who seriously contemplates turning responsibility for alleviating poverty—to the machineries and mechanism which have rigidly served to perpetrate the conditions of poverty—is not committed to equal opportunity but to the status quo.

It was only recently that President Nixon unveiled to the American people the welfare mess which has resulted from the individual State administration of those social programs. We are aware of the gross discrepancies which exist among the States—in their unwillingness and inability to meet the needs of poor people. We know that the migration of the poor from many States into the urban ghettos comes about because they are trying to get away from the harsh climates of hatred and closed systems which exist in many States.

It has been said that we cannot change the way a person feels by legislation—but to some extent, we can alter his behavior. No one knows better at this time than the poor—the Federal administration of Federal programs is the only way they have received any benefits from social and economic reform efforts. We know the present dispositions of too many State administrations and they are not inclined toward the eradiction of poverty. In fact, many of them still maintain that poor people are responsible for their poverty. Anyone who holds such notions should not be given the reins of control over OEO programs. And yet this is what the Green-Quie substitute intends—that without regard for the documented and established records that many States have for "keeping poor people down"—we should give them the responsibility for "raising poor people up." State governments have not taken it upon themselves as their public duty to educate, to train, to feed, to employ, to meet the health needs, the legal services needs of the poor. We need innovative approaches to these problems—which we have seen through OEO federally administered.

You cannot assign contemporary solution making to people who think anly along traditional lines.

When you talk about transferring OEO programs to State administration, giving them the responsibility for approving all OEO program applications before they are sent to OEO for funding, giving State economic opportunity councils the sole authority to develop an antipoverty program for the State—you are in essence talking about writing off the poor, and turning the administration of a federally funded program aimed at the poor to State administrations which have shown little sensitivity for the poor.

If some Members have the notion that this substitute gives the responsibility for problem solving to the people closest to the problems, they are wrong. Look at the welfare food budgets in the States of Alabama and Mississippi. In Alabama, a poor person is allowed 6 cents a meal on which to eat—or $1.40 for an entire week. And in Mississippi, a poor person must get by on only 4 cents a meal—and only 80 cents a week. In my own State of Missouri, the allowance is only 11 cents for a meal or a total of $2.50 a week. These are a few examples of how close the State governments are to the problems of poverty—how sympathetically they review the needs. In Missouri there is one black highway patrolman. In the highway department—8,000 employees—less than 20—blacks. I know how our Governor will administer.

No, gentlemen, the substitute offered by Members of this body, GREEN and QUIE, cannot be made out to be anything but what it is—legislation to cripple the whole poverty effort. I, for one, know very well how the States would welcome this authority.

There is no way I can vote for tying any part of OEO to the States—whether it is legal services, VISTA, community action, and surely not when you are destroying the whole concept behind OEO and farming it all out. How can you expect those of us familiar with the problems of poverty to stand still while you work to get members of community action and neighborhood board appointed by elected officials? When we are talking about the participation of communities and individuals in their own programs, here comes a substitute legislative sham which would guarantee there would be no such representation.

Members of this body who share my concern and know the facts of State administration for poverty programs—could talk for hours giving illustrations which support this case.

Whether or not, and irrespective of how the positions supporting the substitute may be rationalized, such a vote will register the mark of a confused mind. Whatever any Member says about his vote for the substitute—or any legislation tied to State consideration and control—do not say it is in the interest of the poor.

To those who are supporting the substitute and who are using as a shield the fact that you have a glorious past of supporting the poor—I say that the commitment to justice and equality is a continuing one—if you were for the poor yesterday and against them today—then you were either hypocritical yesterday or you are hypocritical today.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Georgia.

Mr. LANDRUM. I am disturbed about the reference which the gentleman has made to the possibility of such a program of State planning failing in Georgia and in other States.

Mr. CLAY. Mississippi and Alabama.

Mr. LANDRUM. Let me say to the gentleman in response to that suggestion this: Today I was in a telephone conversation with a director of the Atlanta, Ga., Office of Economic Opportunity and was told by him—not in answer to a question, but voluntarily—that at no time in history has that office ever made a recommendation to Governor Maddox but that it was accepted by the Governor. The Governor has said that while he differed with reference to certain aspects of the program, and that he recognized there was a problem but as long as he was Governor he was going to do what he could to help those the original act was intended to help.

Mr. CLAY. Let me say to the gentleman from Georgia the question we are discussing today is the effort of the poor people in the State of Georgia to improve their condition. In the State of Georgia the record is quite clear that Georgia in its attitude has not carried forth the program as it was designed to be. For instance, in Alabama a poor person on State welfare is allowed 6 cents a meal on which to eat or $1.40 for an entire week. In Mississippi, a poor person on State welfare must get by on only 4 cents a meal and only 80 cents a week. In my own State of Missouri, the allowance is only 11 cents for a meal or a total of $2.50 a week.

In Mississippi today there is a program, the Headstart program, that is being held up by the Governor because he will not ratify the grant unless the people of Headstart agree to certain conditions that the Governor would like. Some of those conditions are as I understand them to be that the people of Headstart take on the responsibility of stopping boycotts by black people of white merchants in four counties of Mississippi. In three of those counties there are no Headstart programs. The Governor insists that before he approves the sum of $7 million for a Headstart program that they give him the exclusive right of firing anyone whom he charges is engaged in any kind of political activity. I say that the Southern States in this country represent one instance where there has been resistance to a program of this kind directed toward alleviating the conditions of poverty on the part of people who have been insensitive to this problem in this regard.

AMENDMENT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ESCH to the substitute amendment: At the end of title II of the substitute bill insert a new section as follows:

"EXEMPTION OF HEADSTART PROGRAMS

"SEC. 254. The Secretary of Health, Education, and Welfare (during any period in which he has been delegated responsibility for the administration of those programs authorized under section 222(a)(1) and 222(a)(2) of this Act) may exempt such programs from inclusion under the provisions of this part (either generally or with respect to inclusion in the program approved for a particular State)."

Mr. ESCH. Mr. Chairman, I believe we have explained the provisions of this amendment during the general debate, but I would like to review them for the Committee at this time.

Mr. Chairman, the purpose of this amendment is to exempt the Headstart and Follow Through programs which are already being delegated to the Department of Health, Education, and Welfare, from this substitute.

I think it is essential that we recognize that the President has begun to develop an orderly transfer and a gradual transfer of these programs into the Office of Health, Education, and Welfare, so that this transfer is being pursued not in a disruptive manner, but in an orderly process.

The amendment will continue this process.

I think that we should also recognize that Secretary Finch has indicated his desire that we adopt this amendment, which is a perfecting amendment, and one which I hope will have the support of the entire Committee. He has stated that the transfer of Headstart in an orderly way to the Office of Health, Education, and Welfare, would be seriously impaired, if the substitute is adopted without excluding Headstart.

So, Mr. Chairman, I hope that the amendment will be accepted by the Committee so that the transfer can continue to occur.

Mr. BRADEMAS. Mr. Chairman, would the gentleman yield?

Mr. ESCH. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the thrust of the amendment offered by the gentleman from Michigan, but what I do not understand is this:

If the gentleman is not willing to trust little children to the tender mercies of the State governments, why is he willing to go along apparently with trusting adults?

Mr. ESCH. Mr. Chairman, I appreciate the question asked by the gentleman from Indiana. I think that the gentleman is well aware that the transfer is already in existence, and it is not a question of whether you trust or do not trust the States, or trust the Federal Government; the point is that there is in process an orderly transfer to HEW of these early child programs.

Surely the gentleman from Indiana would concur that any future legislation will have this direction rather than in the Office of Economic Opportunity.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio, the ranking member on the committee.

Mr. AYRES. Mr. Chairman, I just noticed that the gentlewoman from Oregon was on her feet, and since the gentlewoman has been so active in this I wonder if she might comment.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield?

Mr. ESCH. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I agree with the contention of the gentleman from Michigan that the Headstart and Follow Through programs are already over in the Office of Health, Education, and Welfare. I am one of those who urged such a transfer by legislative action last year.

It seems to me, Mr. Chairman, that the amendment offered by the gentleman from Michigan (Mr. ESCH) makes this transfer much easier, and also more certain.

So, Mr. Chairman, I would support the perfecting amendment that has been offered by the gentleman from Michigan, and I hope that it will be adopted by the House.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I would also say to the gentleman from Michigan that this is discretionary with the Secretary of Health, Education, and Welfare, and already they have gone through four seed programs to work out the situation, and in 19 States it has already been worked out.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. AYRES. As the gentleman is aware, I conferred with the gentleman at some length prior to his offering the amendment, and after the gentleman spoke in general debate I had a chance to review it carefully, and we on the minority side accept the amendment offered by the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I appreciate the comment of the gentleman from Ohio, and I hope that the Committee will adopt the amendment.

Mr. BRADEMAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes. I only want to draw attention to the ludicrous nature of the situation in which we find ourselves in respect to the kind of amendment offered by our friend from the State of Michigan.

For his amendment, I think, really has nothing to do with whether or not Headstart has been transferred to the Department of Health, Education, and Welfare—a fact with which we are familiar.

The point is that the gentleman's amendment would in effect remove from the control of the States the Headstart programs which have proved to be so enormously popular and effective throughout the Nation for children of preschool age. Indeed, in my own subcommittee, as the gentleman knows, we are now considering legislation, H.R. 13520, the Comprehensive Preschool Education and Child Day Care Act, that will extend the benefits of Headstart-type programs to all children, regardless of income group.

But the harsh fact of the matter is, and we ought to be very candid about it, that the effort is here being made by the proponents of differing antipoverty programs to exempt from the control of the States the particular programs in which they sympathize. This effort to exempt such programs is nothing but a confession of the unwisdom of giving control of these programs to the States and stripping the control away from the local communities that have heretofore operated them.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. ESCH. I think the intent of this amendment to clarify an action that is already onboard—and that is a delegation of responsibility for Headstart and Follow Through programs from the OEO to HEW. That is an orderly process that is now onboard. It is a recognition of a fact that already exists and hopefully they will continue to work both with State and local educational groups and local agencies.

Mr. BRADEMAS. The gentleman completely misses the point of what I am trying to say, and I am confident that he is aware that he is missing the point of what I am trying to say.

We are not talking about the impact of the transferability of the Headstart program from OEO to HEW. That is not the issue at all.

The point is rather this: Are Headstart programs going to be exempted from the tender mercies of those State governments which we are all aware have not been shown to be very generous about preschool programs for the poor and have shown not very much initiative at all about showing the slightest degree of concern about poor people until the Federal legislation authorizing an effort to fight poverty in the country came along?

I am sure the gentleman knows what we are talking about. I am not talking about the question of transferability to HEW.

If he wants to throw posies at Headstart, I certainly understand the thrust of his amendment. But I just wish he would be more candid in his explanation.

Mr. LANDRUM. Mr. Chairman, I move to strike out the last word.

(Mr. LANDRUM asked and was given permission to revise and extend his remarks.)

Mr. LANDRUM. Mr. Chairman, I think it is well that we pause just briefly at least and review what it was we were driving at when this legislation originally came to the House in 1964.

When economic opportunity legislation was introduced into the House in 1964, it was in the hope that the package of proposals being offered would provide services that would help millions of Americans become participants in our economy and our society—to become taxpayers rather than taxeaters.

It had been 25 years since Pearl Harbor ended the first war on poverty. International problems and apparent prosperity had dominated the attention of the majority of Americans during the 1940's and 1950's—but now there was an uneasiness that there were too many men, women, and children who were not sharing in America's growth.

Essentially an underdeveloped province, what little progress they made was vastly outstripped by the rapidly growing technology of the "haves."

Right here in America was a microcosm of the world problem of the haves and the have-nots—the developed and the underdeveloped. There were many of us who felt that the future for a nation so divided would be as uncertain as that Lincoln described as half slave and half free.

The problems of this Nation's poor, moreover, were so diverse and complicated, that it seemed that only a massive and multisided attack composed of many daring new programs—in addition to expanded older programs—could provide the impetus necessary to make progress. For coordination and maximum thrust, it seemed best to have those efforts focused by one agency—an agency able to reach directly into communities.

Neither congressional supporters nor administration backers expected instant success. We knew the job ahead would be very difficult. But apparently the public expected immediate progress and the poor allowed themselves to become hopeful long before administrative gears meshed.

The result was a rush for results before adequate planning. Procedures for evaluation were often nonexistent. Dr. Fred Crawford, director of the Center for Research in Social Change at Emory University, who studied the Atlanta OEO program for a 3-year period has reported that, and I quote:

> Services were started, people were involved, but no one was gathering evidence to use in determining what was happening. This is comparable, he says, to shooting a rocket at the moon with no means of tracking the rocket after launching, no means of correcting its course in flight, and no way to tell whether it landed or not.

As Dr. Crawford points out, such a procedure is not only expensive, but dangerous from a psychological and sociological point of view. He explains that:

> The ramifications of intrusive forces on human lives, as positive as these may be in intent, apparently create more problems than they resolve. . . . Prior testing and accurate projections of immediate and long-range effects seem totally necessary if we are not to damage individuals and the social system through the introduction of "good" program.

In addition to a dangerous lack of planning and anticipation of results, many local OEO programs have had difficulty in delivering the services they are supposed to deliver. There are strong indications that this has not just been the result of inadequate funding—but a result of the structure of the OEO program and its relationships with other local agencies.

A good example of a problem area is that of finding jobs for the poor. The study of the local OEO program in Atlanta indicates that 72 percent of the black clients and almost 57 percent of the white clients visiting neighborhood

centers for the first time come seeking help in locating jobs—statistics which should certainly counter the arguments that most of the poor do not want to work.

So they come seeking employment. Unfortunately, however, not many find it. The usual procedure is to refer them to other employment agencies—and the usual result is not very good. Only one in three are placed. Furthermore, as many as three-fourths of these placements are for jobs classified as "menial"—jobs which will not take the recipients out of poverty.

For the young there are a few job training openings—but not nearly enough—and often not in the subjects applicants desired. For the middle aged and older, training and retraining are virtually nonexistent.

I have come to believe that one of the reasons local OEO agencies have not been able to deliver services is that they cannot or will not work closely enough with other local institutions. Supposed to be catalysts to community development, they are often viewed as foreign objects.

The structure of the Office of Economic Opportunity is admittedly an administrative experiment. Grants from Washington are made through regional offices to locally incorporated groups which are constituted according to national OEO guidelines.

In most instances, however, local OEO groups seem to be responsible to no one but themselves: not to Washington, not to regional offices, not to the communities in which they serve—or to the poor and Washington headquarters of OEO assumes the attitude toward Congress. They look at us with contempt.

The result is that benefits have often been obscured by controversy. There has not been enough planning and coordination of activities with State and local officials. And there have been too many instances of poor administration and of self-dealing. By "self-dealing" I mean instances of profitmaking on contracted and services and evaluations undertaken by former OEO employees.

One can only conclude that it is time to achieve more responsible and responsive administration. To establish planning systems that will assure coordination with other agencies. To establish evaluation systems that will give us a clear idea of what good and what harm we are doing the poor. We must harness OEO and other poverty-fighting forces for a protracted war. We cannot continue to dissipate our few resources in false starts, waste, and in-fighting. State planning seems to me to be the best solution to our aim and desire to reach the poor and to our desire to have the OEO in general respect the intent of the Congress.

Now I am not in disagreement at all with my distinguished young friend, the gentleman from Missouri (Mr. CLAY) when he talks about what we need to accomplish.

Our difference is in the way to approach it, and the way I am afraid he has his thinking oriented toward a welfare program here. This is not a welfare program—this is an education program. This is a program that is designed to take Americans out of welfare and make them become taxpayers rather than taxeaters. That is the purpose of this program. It is not being managed toward this goal.

Now, I yield to no Member of this body or no man in this land in my concern for the poor. Long before some of those here today were advocating continuation of the program as it is I was standing where the distinguished chairman is, fighting for the original program, and we have had some successes. The Headstart program is an example. But we have had some failures, and we ought to stand and recognize the fact that these failures are making the country criticize this program and are preventing it from having the success that it must have.

Therefore, I can come to only one conclusion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. WAGGONNER, by unanimous consent, Mr. LANDRUM was allowed to proceed for 3 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would merely like to say, for those who have not been around here since the inception of the program, it is easy to recall that the gentleman in the well, Mr. LANDRUM of Georgia, stood, as he just recalled to us, in the well of the House initially handling this legislation, and he had exactly the same thing to say then that he has to say now about the hopes and the aspirations of this program. He described it then as a program to make taxpayers out of taxeaters. He made crystal clear that we were not talking about a welfare program. It was to be an educational process to improve the ability of our citizens to do something for themselves. He made a very good explanation of the bill then and its noble purposes, and I simply want to say he is only reiterating now what he had to say then.

Mr. LANDRUM. I thank the gentleman.

Let me say these final words. I have not used any time during the general debate. I am not now a member of this committee. I sometimes miss its activities.

But let me say that no one here is more concerned about the continuation of this program and having it do what it was originally intended to do than the Member speaking to you now. I believe, after a thorough examination and observation of all the activities of OEO, that unless we change direction in its administration, unless we make the change that is indicated in this substitute, we are dooming the program to failure. I do not believe it is dangerous to resort to the State capitals, the Governors, the mayors, and the leadership at home for, after all, from whence did we come? How are you going to question the sincerity of a Governor, of a mayor, of a State legislator, of a State superintendent of schools in formulating programs to meet these objectives when after all he comes from the same source from which we come and has the same aspirations and hopes that we have?

I want this program to continue. I want it to succeed. I want to see every man, woman, and child in this Nation participate. I want to see them made taxpayers instead of taxeaters. But I am telling you, as one who bled for the original passage of this act, that unless we change its direction today, the act is going to fail in its mission.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I rise in opposition to the amendment.

You know, it is a beautiful thing to sit here this afternoon and to listen to so much debate and bleeding hearts concerned about this program. And yet many of us feel and realize that we would not have had to be on this floor today discussing this program if there was such a thing as equality in every State of this Nation.

The fact of the matter is this: Let us stop practicing a fraud. Let me tell you now about this substitute amendment.

The fact of the matter is that it is nothing more than political patronage that will be returned to the States. If the Members are so concerned about the utilization of the funds for the poor, and that these funds have not been administered correctly, I believe that we should have addressed ourselves to correcting the abuses or the negatives in the program.

For the first time we gave the disillusion poor, black and white, in this country the feeling that some group or some agency was concerned.

How can Members explain to me that they are so concerned about the funds not going to the poor? The cost of this new layer of administration is being ignored. The substitute amendment allocates $50 million for State administration, all to be paid from title II funds allocated to each State. This means $50 million less than that which would have been available to serve the needs of the poor, about whom we are so concerned in the local areas.

Why, then, since we have utilized approximately 2.19 percent for administration of the title II program, the CAP program, over the past 4 years, must we now double that allowance under the substitute bill for the State administration? Who is kidding whom?

The present administrative cost would be about 5 percent of the funds of this new large layer of bureaucracy, this new large layer of pork barrel patronage.

How can we be so concerned about the money going to the poor? Once again we see the poor as the scapegoat.

How can we be so concerned about using money which is going to the poor, when under this new bill approximately 5 percent, as contrasted to 2.19 percent, would go for administrative cost of the title II program?

I have just spoken briefly about the title II program. I have been delving into this thing now for the past 8 weeks. It is so wonderful for us always to be using the children, the poor and every other kind of revolutionary group, and whatever you have for scapegoats.

If we are really concerned about the poor of this Nation, we should accept the positive aspects of the program and then take the negative aspects and seek to improve those parts of the program.

In this U.S. Congress we do not abolish the Congress or do away with it, in spite of the fact that we have deficiencies and scandals. We do not do that. What we attempt to do is to see if in some way, although it is very slow to succeed, we can bring about an amelioration of certain conditions.

It seems to me that we must not defraud. We must recognize that there are errors and that there are abuses in the OEO program. I am not going to stand here before you this afternoon and tell you that the program is perfect. But neither am I going to say that the return of these programs to the States is the answer, because precisely why the program was developed in this Nation was the fact that large numbers of the States in this Nation for a long time were not addressing themselves to the concern of the poor.

I know that some Members do not like what I am saying, but the fact is that we have to face reality.

I would be very glad to yield to someone on the committee, because perhaps I got wrong information, but I wish someone on the committee would explain to me, if we are so concerned about the fact that the money has not been going to the poor, why we now want the money to really get to the poor and at the same time, under the new program, approximately 5 percent of the money under title II will be going for administrative cost as compared to a 2.19 percent for the past 4 years under OEO?

In recent weeks I have heard a number of charges or contentions about the Office of Economic Opportunity that I consider either unsupported by available facts or that are essentially biased in nature.

Some of our esteemed colleagues introduced a substitute bill recently, the basis of which seemed to contain a number of misconceptions. At that time there were some statements made that I thought that I might do well to check. I have done so and would now like to make some counter statements.

One of the statements had to do with the growth of businesses, especially consultant firms, centering around the OEO in particular and the antipoverty effort in general. Accordingly, I asked my staff to try to determine how many firms were involved in consultant relationships and further how many of those firms were headed by ex-employees of the OEO.

I also asked them to take it one step further and secure the same information for the other major Federal agencies, the Departments of Labor, Housing and Urban Development, Health, Education, and Welfare, Department of Transportation, and the Department of Defense.

The first response was received from the Legislative Research Section of the Library of Congress and it was basically, first, that such information was not centralized, even in the agencies themselves; second, that given enough time, subpena power, and manhours, a questionnaire might be possible for development of an approximate list, but the cost for such firms could not be ascertained without consulting the agencies concerned.

Now to the best of my knowledge no committee in either body of this Congress has ever attempted such an endeavor nor has any individual. Therefore, I must assume that the statement was a generalization not based on known facts.

And as a generalization, I or anyone else, would be hard put to contest the statement. In fact I would be inclined to concur and applaud if the statement is in fact true. It would then be at very least a minor indication that the priorities of some people in the country have indeed changed.

The Department of Defense and I daresay other Government agencies of similar nature have not only subsidized but have indeed created consultant firms and "think tanks" of the nature some are wont to castigate OEO for and they have done so with almost no criticism from certain quarters.

Correlated to that statement about the new antipoverty consultant corporations was the suggestion that the Department of Justice investigate all such corporations. That is a suggestion that I concur with—provided that the scope of such an investigation be broadened to include the agencies that I have previously mentioned as well as a separate investigation into the number of retired military personnel hired by corporations with Defense Department contracts.

Another statement that has been made is almost too general to respond to and that is precisely why one must undertake a response. The charge is that antipoverty funds have been used to support revolutionary groups. None of the groups were named specifically, perhaps because there have been no such instances in reality, but nevertheless since I know that our different biases make us see the object in different ways let me essay to respond to that one also.

The Office of Economic Opportunity, itself, was created with an eye toward change. It undoubtedly hired some people who worked for change in what some of us might consider the wrong ways; just as business sometimes hires as workers people who will not work or the electorate elects legislators who do not legislate. There is no conspiracy to do so in the two latter cases nor has there been in the first. In fact, in my opinion, OEO may have a better track record than business or the electorate.

My final comment on this point is simply this: If anyone has sufficient facts to prove the contention that there was—or is—an active concerted effort on the part of OEO to hire enemies of this country, please present them to me so that I may change my opinion.

Having finally reached the matter of the substitute bill itself permit me to preface the balance of my remarks.

I, also, do not feel that the Office of Economic Opportunity has been as generally effective as it might have been. But much of its problem has been the year to year—at the whim of Congress—manner in which it has existed.

The bally-hoo with which it was started might have led some to believe that poverty would be ended in a year but I doubt it. It has had to expend entirely too much staff time and energy on congressional relations and public relations.

Nevertheless, because of its experimental and innovative nature, it has created and will hopefully continue to create programs of a positive nature that will indeed go far toward solving the problems of the poor—and as a consequence many of the internal problems of the Nation.

Among those programs, the most important three to my way of thinking, have been the community action program, the legal services program, and the VISTA program. Unfortunately for OEO they are also the three that have been most controversial in nature and the three that seem least popular with Congressmen.

These are the three, it would seem, that have given impetus to the introduction of the substitute bill.

Let me examine if I may two of the statements made about this subsititute bill. The first was that State and local governments have got to run the poverty program. Many of you gentlemen were no doubt sitting in the same seats when that same thing was said in 1967.

At that time an amendment was attached to the Economic Opportunity Act. It was popularly known as the Green amendment and provided State and local governments with the option of taking over the local community action programs.

There was a further condition to the act that year. It directed OEO to contract for an independent study of the results of the Green amendment. The results were quite clear—only 3.3 percent of the local entities chose to do so, and to my knowledge no States chose to designate themselves as the CAA within the State.

One contention was that OEO had so administered the amendment that it stifled and discourage State governments from designating themselves. My feeling is that if it is true, then the OEO administrators were smarter than the State administrators and ought indeed be running our antipoverty program if we are to have a successful effort.

The final point that I would like to discuss is a point of inconsistency. The issue raised was that of Republican and Democratic Party officials, at the local level, being involved in the antipoverty effort.

First, it is inconsistent to require up to one-third representation on local antipoverty boards for public officials and then to criticize their involvement in the program.

Second, it is inconsistent to suggest that the State and local governments run the program in entirety, as the substitute bill suggests, and then say there is already overinvolvement by political figures.

Third, it is inconsistent with the previous Green amendment which was designed to provide the opportunity for overinvolvement.

Fourth and finally, it is inconsistent

with the findings of the study pursuant with the Green amendment. One of which was that some representatives of the poor felt their influence actually increased when Government officials joined the board. There are many other elements that support my contention that OEO must be kept as an intact entity. Many of my colleagues have already or will in the coming days discuss them. For me I can only say that I felt it necessary to respond to these rather specious arguments I have heard that supposedly support dismantling the agency.

In summary may I say that all rational reasons point toward not only maintaining the Office of Economic Opportunity as the Federal antipoverty agency but expending its mandate to end poverty in this country.

The only thing that the present substitute bill would do is to fragment and diffuse the Nation's effort to end poverty. For us to pass this bill would be breaking faith with the poor; were we to do that, how long would it take us to break faith with the ideal of a democratic society itself?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. One of the reasons why we wrote in the provision that the administrative cost at the State level would be limited to 5 percent is because at the present time we find the administrative costs averaging 20 percent and—in some cases—much, much higher. This is one of the reasons why we say the money is not going to the poor and is not going to the people for whom it is intended.

In addition, as I pointed out earlier, over one-half billion dollars has gone to private corporations on supporting contracts, technical assistance, that could have been going for programs within the States to help those who really need it. This is an attempt to save money and to use it where needed.

Mr. AYRES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. AYRES asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Chairman, may I remind this body that the pending business is an amendment of the gentleman from Michigan (Mr. ESCH); namely, to move in the area of Headstart. I speak a word in strong support of this amendment. The Headstart program, developed under OEO, has proven to be an excellent experimental program. As an excellent operating program it has been moved over to and delegated to HEW.

The motion of the gentleman from Michigan (Mr. ESCH) is aimed at continuing that operation if the substitute is adopted.

I urge this committee now to vote in favor of the amendment of the gentleman from Michigan (Mr. ESCH).

Mr. AYRES. Mr. Chairman, would it be in order to ask for a vote on the Esch amendment?

The CHAIRMAN. It would.

The question is on the amendment offered by the gentleman from Michigan (Mr. ESCH) to the substitute amendment offered by the gentleman from Ohio (Mr. AYRES).

The amendment to the substitute amendment was agreed to.

Mr. AYRES. Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment and all amendments thereto close at 6 o'clock.

Mr. PERKINS. Mr. Chairman, reserving the right to object, will the gentleman agree to let the last 5 minutes be reserved to the committee?

Mr. AYRES. Yes, I would agree to that.

Mr. PERKINS. All right.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. RYAN. Mr. Chairman, I object.

Mr. AYRES. Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.

The CHAIRMAN. The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

Mr. AYRES. Mr. Chairman, I withdraw that portion of the motion.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 124, noes 35.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the substitute amendment: Amend section 301(1) of the substitute to read as follows:

"(1) Clause (3) of subsection (b) is amended to read as follows:

"'(3) the remainder of the members (which shall comprise not less than one quarter of the total membership of such board) are officials or members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community, and are chosen by such groups or interests.'"

In section 301(2) of the substitute, the proposed first sentence of subsection (c) of the section 211 of the Act is amended by striking "appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency," and inserting in lieu thereof, "appointed by elected local officials whose constituencies include significant portions of such area,".

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, section 301(1) of the substitute does two things. First, it requires that those board members who serve as officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests, constitute at least one-fourth of the total membership of the board. Second, it requires that these private-sector representatives be appointed by the elected public officials who serve on, or have representatives serving on, the board.

The requirement that these private sector representatives be selected by public officials would represent a very substantial change in the composition of community action agency boards. It would give the public officials seven-twelfths of the board membership. It would deprive the private sector of any real representation, since the board members would not be chosen as representatives of private groups. They would merely be representatives of public officials who happen to be officials or members of private groups.

This amendment to the substitute retains the requirement that at least one-fourth of the board members be representatives of private groups. That is a constructive suggestion to strengthen private sector participation in the poverty program. The amendment would eliminate the requirement that the private sector members be selected by public officials, however, and introduce instead a requirement that they be chosen by the private groups or interests themselves.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. STEIGER) has expired.

Does any Member wish to address the Committee on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER)?

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will just say to my colleagues that with an amendment like this, if there is any real problem in the provisions of the substitute to which the gentleman from Wisconsin addressed himself, it can be worked out in the conference.

Mr. Chairman, I ask for a vote against the amendment.

The CHAIRMAN. For what purpose does the gentleman from New York (Mr. FISH) rise?

Mr. FISH. Mr. Chairman, I rise with reference to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The CHAIRMAN. The gentleman from New York (Mr. FISH) is recognized.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate my colleague yielding.

AMENDMENT TO SECTION 301(2)

The substitute bill provides that area boards and councils to which community action agencies delegate significant powers must have a membership of which at least one-third are public officials. The substitute provides that these public officials are to be appointed by the elected public officials who serve on

the board of the community action agency.

This amendment to the substitute would preserve the requirement that one-third of the membership of such a board be elected public officials, and would also preserve the requirement that they be chosen by elected public officials. However, it would change the method of selection to provide that the public officials who make the selections be elected officials representing the area served.

In the case of a multicounty community action agency which delegates significant powers to the countywide boards, the substitute provides that the officials sitting on the multicounty board would choose the officials to sit on the individual county boards. In the case of a major city such as Chicago or New York, the substitute provides that elected officials sitting on the central board would choose the public officials to sit on each neighborhood board. The result would be that the public representatives on a council for one part of the city would be chosen partly by officials representing other parts of the city. This kind of top-down selection system could easily result in having public officials on area councils who are entirely unrepresentative of the areas served by these councils. This amendment would cure that defect by providing that the public representatives on area boards and councils be selected by elected officials whose constituencies include significant portions of the area in question.

The CHAIRMAN. The time of the gentleman from New York (Mr. FISH) has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin), there were—ayes 26, noes 52.

So the amendment was rejected.

Mr. GIBBONS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty-seven Members are present, a quorum.

AMENDMENT OFFERED BY MR. BUSH TO THE SUBSTITUTE AMENDMENT

Mr. BUSH. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. BUSH to the substitute amendment offered by Mr. AYERS: In section 201 of the substitute, section 253 (c) (1) is amended by changing the period at the end thereof to a semicolon, and adding the following: *"Provided further,* That the Director shall reserve such sums as may be necessary to provide assistance for programs authorized under section 222(a) (6)."

Mr. BUSH. Mr. Chairman, this amendment would exempt the family planning programs from the State plan. President Nixon has named family planning as one of his national goals, and it is one that the Congress overwhelmingly supports. In my opinion, the best work that OEO does is in the area of family planning. They need all the funds that are earmarked. The funds they have used in the past have worked efficiently. They have worked without controversy. They have worked without disrupting anything. And I think it would be a shame to slow this national momentum.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PETTIS. Mr. Chairman, I rise in support of the amendment.

(Mr. PETTIS asked and was given permission to revise and extend his remarks.)

Mr. PETTIS. Mr. Chairman, upon reading the study recently released by the Office of Economic Opportunity, "Need for Subsidized Family Planning Services: United States, Each State and County, 1968," I was distressed to learn that of the 5.3 million women in need of subsidized family planning services only 773,000 are being served. This is a serious situation that requires immediate action. I believe the OEO family planning program is taking the right approach in attacking this problem and therefore I am a strong supporter of the program.

However, this study also points out a very shocking statistic in regard to young people in this country: the rate of illegitimacy among teenagers has increased 60 percent over the last 20 years. Adolescents between 10 and 19 now account for 40 percent out of wedlock births. It is imperative that action be taken to stem this flood of unwanted children and ruined young lives.

In the past, publicly supported programs have only tried to help and counsel teenage girls after they have become pregnant. It is now apparent that this is not enough. Something must be done to prevent these pregnancies.

The Office of Economic Opportunity is presently developing ways of providing guidance and appropriate medical and contraceptive services to these sexually active teenagers. An example of this is a project in North Carolina which holds weekly sex information and counselling sessions for an average of 40 ghetto adolescents. Nonprescription contraceptives are made available to those in need.

OEO Director Donald Rumsfeld is proposing an increase in his budget for family planning from $15 million to $22 million this next year. He is doing so to enable OEO to expand and increase family planning services throughout the country. I believe OEO's present activities in this field justify such an expansion.

I commend OEO on its fine efforts in this vital area of health care, and support an expansion of its programs. Therefore, to place this successful program, which is just beginning to find ways to deal with previously unsolved social dilemmas such as the plight of the pregnant unmarried teenager, under rigid State control would seriously impede this excellent OEO program. It would be impossible for all 50 States to engage experts in the family planning field to continue the innovative programs that the competent OEO central family planning staff is now designing and operating.

I commend OEO on its valiant efforts in this field and show my faith in its family planning program by supporting Representative BUSH's amendment to the substitute bill.

Mr. BUSH. Mr. Chairman, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Texas.

Mr. BUSH. I am grateful to my colleague for yielding.

Family planning is different in many ways from other programs. It requires specialized people, people who are not available at this time in all of the States and in the numbers that are needed. We have already had a 6-month delay reaching this national goal of serving 5 million people in 5 years. We cannot afford any more delay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLD. Mr. Chairman, I rise in support of the Bush amendment.

(Mr. WOLD asked and was given permission to revise and extend his remarks.)

Mr. WOLD. Mr. Chairman, some weeks ago a report on a very important study came across my desk. It was entitled, "Need for Subsidized Family Planning Services: United States, Each State and County, 1968." This study showed that there were 4.6 million poor women in the United States who wanted and needed family planning information and services but were not getting them. Furthermore, this report showed that out of this group of 4.6 million women, there were 1.4 million who lived in smaller metropolitan and predominately rural areas in the United States.

As you all know, delivery of health care in this country has always been a difficult problem in rural areas. Because of transportation and communication problems, rural American have not always had the same opportunity to receive the benefits of our advanced medical technology. I am concerned therefore that 1.4 million poor women in rural areas of this country who need family planning services will be left out when programs are developed to meet family planning needs of other Americans.

It is for this reason therefore that I take this opportunity to commend OEO for its proposed new initiatives that take into account the necessity for bringing family planning to the rural poor.

OEO Director Donald Rusmfeld has indicated that he intends to expand the existing community action agency-administered family planning programs in rural as well as urban areas. Furthermore, he wants to initiate two new programs that will have as their focal point the 1.4 million rural women in the United States.

One program involves the introduction of family planning services into hospitals as a part of standard maternity care. Since over 97 percent of births in the United States take place in hospitals, it seems to me the natural place to introduce women to family planning. Furthermore, I understand that these postpartum programs, as they are called, are the most economic way of bringing family planning to potential acceptors. OEO is to be commended for adopting

this approach, for it is indeed simple and practical.

The other new initiative of OEO's family planning program in rural areas is its effort to involve private and group practice physicians. In those rural counties where health resources are at a premium it seems only fitting that existing resources should be used maximally. OEO proposes to ask private and group practice physicians to give family planning information and services in their own offices on a fee-for-services basis. This again makes good sense to me because it shows a cost consciousness that unfortunately is not characteristic of many health programs today.

It will certainly not be an easy task to reach 1.4 million women in rural America. Therefore, I congratulate OEO for its imagination and initiative in developing logical approaches to bring family planning to this group. I am further impressed, as I am sure you will be, with the emphasis that OEO's family planning program is placing on program economy. The problem of reaching rural America and the problem of doing it economically are vital issues.

It is for these reasons that I am a strong supporter of OEO's family planning program, and why I am concerned about its future today. The necessity for involvement of new agencies and innovative techniques and the very short supply of family planning experts make "State programing" of family planning programs entirely unfeasible. Such a blow to the OEO family planning effort would long delay, if not actually prevent, the effective delivery of family planning education and services to those rural women who desire and so greatly need subsidized family planning services. For this reason I fully support Representative BUSH's amendment to the substitute bill to exempt family planning programs from the State plan, I urge you to do the same.

Mr. Chairman, I yield whatever time I have remaining to the gentleman from Texas (Mr. BUSH).

Mr. HORTON. Mr. Chairman, I rise in support of the amendment.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Chairman, on July 18, 1969, President Nixon sent a detailed message on population and family planning to the Congress. This is the first such message by an American president. It reflects a commendable effort to focus the attention of the Nation on these important issues.

In defining the role of the Office of Economic Opportunity the President has asked OEO to determine ways in which OEO can best structure and extend its program in order to help achieve our national goal of providing "adequate family planning services within the next 5 years to all those who want them but cannot afford them."

The way that individuals can determine the number and spacing of their children is an essential element in improving the health and economic well-being of the poor. OEO's family planning program seeks to provide an alternative for poor women burdened by unplanned and unwanted pregnancies that endanger their health and keep their families locked in the poverty cycle. Participation is entirely voluntary, and in keeping with the individual's religious and social beliefs. Emphasis is placed on providing a dignified and professional atmosphere as well as maintaining the confidence and trust of the participant.

The characteristics of each OEO project differ, depending upon the needs and resources present in the local community. In all cases, the highest medical standards are maintained and a complete spectrum of services is provided. Babysitting facilities, nighttime clinic sessions, transportation to and from clinic locations, and referrals to social agencies for other services are common features of OEO-supported projects.

Approximately 230 community action agency-administered projects have been funded by OEO regional offices to date, two-thirds in urban areas, one-third in rural areas.

Approximately 45 percent are operated directly by CAA's, 37 percent are delegated for operation to Planned Parenthood Affiliates, 15 percent to health departments, and the remainder to a variety of other local agencies. The average project budget is $70,000, 70 percent provided by OEO.

Excluding the projects in Puerto Rico, the total program was attracting 10,500 new "acceptors" per month, as of October, 1968.

The President asked that OEO strengthen its innovative programs and pilot projects in the delivery of family planning services to the needy. In this regard, technical assistance is being provided, under a contract, to the 230 OEO funded service projects. Family planning specialists are available to assist projects in such fields as project development, program analysis, medical services, and recordkeeping.

In addition, through a $1.9 million grant the Population Council will support and coordinate family planning projects at 14 medical schools. Each school has an in-hospital family planning program that will be expanded. Most schools will establish new satellite clinics. Other special projects include adolescent pregnancy programs in cooperation with local boards of education, premarital counseling services, and involvement of Neighborhood Youth Corps and family life centers in family planning. Total target population is 400,000; 75,000 women will be served in this first year of operation. In Los Angeles, an effort is being made to coordinate and add support to those agencies in the Los Angeles area that offer family planning services. It is the first time that joint planning and coordination of services has been attempted in an entire metropolitan area in this country.

The President directed that OEO work with HEW in coordinating all domestic family planning programs, in surveying efforts to attract people to work in population and family planning programs, and in training them properly.

To this end, representatives of OEO, Planned Parenthood/World Population, and the Department of Health, Education, and Welfare have designed a standard family planning patient data form that is to be used by service projects supported by all three agencies. OEO projects are already using this system and it is hoped that all HEW and PP/WP projects will also be participating by the end of the year. When this program becomes fully operational early next year, it will be the first time that comparable data will be available on family planning patients enrolled in programs sponsored by several different organizations and agencies.

In summary, OEO's family planning programs are preventive, needed, and well received. They have one of the most favorable cost benefit ratios of any federally sponsored health activity. In view of the high priority given to family planning by President Nixon, and the outstanding success of the OEO program in providing this vital service to thousands of poor people, I urge you to support Congressman BUSH'S amendment concerning family planning programs. I believe this amendment will enable OEO to extend its efforts in this area as rapidly and efficiently as possible.

Mr. Chairman, I yield whatever time I have remaining to the gentleman from Texas (Mr. BUSH).

Mr. BUSH. Mr. Chairman, again, it is very difficult to continue under these restricted time requirements. There is a great sensitivity involved in this subject of family planning. The Congress, the Federal Government, and the OEO are ahead of most of the State governments in this area. I think it is a very different program, and I strongly urge that this exemption be granted and that full funding be granted through OEO of this program. We cannot afford delay.

The CHAIRMAN. Does any other Member wish to speak on the Bush amendment? If not, the question is on the amendment offered by the gentleman from Texas (Mr. BUSH).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 75, noes 26.

So the amendment to the substitute amendment was agreed to.

AMENDMENTS OFFERED BY MR. GUBSER TO THE SUBSTITUTE AMENDMENT

Mr. GUBSER. Mr. Chairman, I have two amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. GUBSER to the substitute amendment: Immediately following section 302, insert the following:

"LIMITATION ON LEGAL SERVICES PROGRAMS

"SEC. 303. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out 'counseling, education, and other appropriate services' and inserting in lieu thereof 'legal counseling, education in legal matters, and other appropriate legal services.'"

And renumber the sections which follow accordingly.

Immediately following section 302, insert the following:

"LIMITATION ON CERTAIN ACTIVITIES RELATED TO LEGAL SERVICES PROGRAMS

"SEC. 303. The fourth sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'this part) shall be utilized' and by inserting before the period at the end thereof the following: ', or (B) for any activity not directly related to the provision of services referred to in the first sentence of this paragraph and litigation on behalf of specific clients shall be conducted in accordance with the canons of professional ethics of the American Bar Association.' "

And renumber the sections which follow accordingly.

The CHAIRMAN. The gentleman from California is recognized in support of his amendments.

Mr. GUBSER. Mr. Chairman, I do not have time to thoroughly argue for the amendments, but I do take the 30 seconds to establish a legislative history.

There is a change in the second amendment from what appeared several days ago in the CONGRESSIONAL RECORD. My intent will be clearly spelled out as I revise and extend my remarks.

Second, for the purpose of establishing legislative history, I want it clearly known that it is not the intention of either of these amendments to outlaw so-called class lawsuits.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Ohio.

Mr. AYRES. The gentleman brought his amendments to us. Counsel has gone over them very carefully. We can accept the amendments of the gentleman from California.

Mr. GUBSER. I thank the gentleman.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I do so for two reasons.

First, given the conditions of this debate, as the gentleman from California mentioned, it is rather difficult to know what in the world his amendments do. If I understood them correctly from the few seconds afforded this body to hear them, in effect they restrict the operation of the legal services program to enabling poor people to level suits against other poor people.

I hope the amendments will be rejected.

The CHAIRMAN. For what purpose does the gentleman from California (Mr. WIGGINS) rise?

Mr. WIGGINS. In support of the amendment, Mr. Chairman.

The CHAIRMAN. Is the gentleman's name on the list read by the Chair?

Mr. WIGGINS. I do not believe it is.

The CHAIRMAN. The gentleman cannot be recognized, then, under the time limitation.

The question is on the amendments offered by the gentleman from California (Mr. GUBSER), to the substitute amendment.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 65, noes 73.

So the amendments to the substitute amendment were rejected.

AMENDMENT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS to the substitute amendment: In section 201 of the substitute, section 253(c)(1) is amended by changing the period at the end thereof to a semicolon, and adding the following: *"Provided further,* That the Director shall reserve such sums as may be necessary to provide assistance for programs to be conducted on Federal Indian reservations."

(By unanimous consent, Mr. MCCORMACK yielded his time to Mr. MEEDS.)

Mr. MEEDS. Mr. Chairman, the amendment I propose will exempt Indian community action programs from the effect of this substitute. I do so, and I think President Nixon will be happy to hear about this amendment because he said on September 27, 1968, when he was a candidate for the Presidency in Portland, Oreg.:

The special relationship between the Federal Government and the Indian people and the special responsibility of the Federal Government to the Indian people will be acknowledged.

Mr. Chairman, I would like to point out to the Members of this body that the best thing that has happened to the Indians now living on reservations during the past 5 years has been the Office of Economic Opportunity programs which they are running on their own reservations.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair recognizes the gentleman from Colorado (Mr. EVANS).

(Mr. EVANS of Colorado asked and was given permission to revise and extend his remarks.)

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I would like to read a portion of a letter which I have received from the National Congress of American Indians:

Turning administration of this program over to State governments would only probably mean its demise for most poverty groups. For Indians, the demise of the programs would be certain.

Mr. Chairman, I think there is no question about that.

I insert at this point in the RECORD the contents of the letter which I have received from the National Congress of American Indians.

The letter referred to follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C., December 12, 1969.

Re OEO-proposed Quie-Green amendment.

Hon. LLOYD MEEDS,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MEEDS: Knowing your interest in strengthening the OEO program for the benefit of the nation's impoverished, I am writing to express the vigorous opposition of the National Congress of American Indians (NCAI) to the proposed Quie-Green amendment to the OEO authorization act.

As you know, we are composed of 118 tribes representing nearly 400,000 American Indians, having a yearly average annual income of $1,500. The OEO programs serving American Indians have made a measurable impact in many Indian communities and have been among the most effective and least criticized of the OEO programs.

I have enclosed statistics setting forth the breakdown of funds expended to render various services to Indian communities, broken down by States. Separate and apart from these communities, OEO has programs operating in some areas on county-wide bases which also serve urban and some reservation Indians.

Turning administration of this program over to State governments would only probably mean its demise for most poverty groups. For Indians, the demise of the programs would be certain.

There is a long and well-established pattern of failure by State governments not only to provide to their Indian citizens the special services frequently needed, but even failing to provide those services which other citizens in the State take for granted.

When the crime control of 1968 was passed, providing money for law enforcement assistance, it routed money designated for Indian reservations thru State governments. In almost all instances, State governments have collected these funds from the Federal treasury, but have failed to provide services to reservations. Congress is presently considering amendments on both houses which would route funds for reservations directly to the tribal governments, a position we support. There can be no doubt that turning over the direction of OEO programs to the States can have no effect but to emasculate its effectiveness.

We strongly urge you to oppose the Quie-Green amendment, or, at the least, to exempt Indian program's from its effects.

We support a two-year extension of OEO, without amendment.

Thank you for your assistance.

Respectfully,

JOHN BELINDO,
Executive Director.

Mr. Chairman, I hope this amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

(By unanimous consent, Mr. GROSS yielded his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, I would like to try to put in perspective the OEO program. The main purpose of this substitute amendment in relation to the total amount of Federal, State, and local funds being spent on the poor, the disadvantaged, is to try to bring about some coordination of multitudinous programs—to eliminate the scandalous waste of funds—to change this from an anti-Government program to an antipoverty program in fact. We do not do away with OEO—but we would try to have the poverty funds actually go to help the poor.

Today in America we are spending for fiscal year 1970, according to a study done for OEO, $27 billion.

Twenty-seven billion dollars in Federal funds and $14.9 billion in State and local funds for the poor and disadvantaged people and we have $2.4 billion in private funds earmarked for the poor.

In other words, we are spending in fiscal year 1970 over $40 billion for this purpose. OEO's $2 billion is only about 5 percent of the total effort. From the other programs, there are many similar efforts. Would not it be better to make it possible for the States to coordinate at that level what we cannot or will not do at the Federal level?

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mr. GIAIMO was allowed to yield his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. So, Mr. Chairman, this effort on the part of those of us who offer the substitute is to try to make it possible for States to coordinate programs for the poor so that there will be more of the dollars actually going to them instead of duplicating our efforts and expending money on the high administrative costs, high salaries for poverty "specialists" who move from one program to another with the greatest of ease—and countless studies, reports, and evaluations.

The only argument I have heard today against the States—is that we cannot and must not trust the elected Governors, we must not trust the States, and some of these people who spoke so vehemently on this——

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

(By unanimous consent, Mr. WAGGONNER was allowed to yield his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, some of the people who have spoken so vehemently on this—do not trust your Governor; do not trust the States. The same people who said that today, in 1967 said that we must not trust city hall. The amendment then was to allow elected local officials to have a voice in the program. In 1967—"don't trust city hall." Today—"don't trust your Governor." These are strange words, strange advice from one branch of the Federal Government, contributing to the erosion of confidence in government as surely as the irresponsible militants who take to the streets to shout "no government can be trusted; no government is any good."

Rather, I would like to place my trust in those who have been elected by popular vote—than those who have been appointed and annointed as regional czars with absolute veto power in the regional office removed from the State and unfamiliar with its problems.

In the 1967 debate when it became the law—and still is—that a State could become a community action agency, the distinguished Speaker quoted and endorsed a proclamation by Governor Volpe which said in part:

> Government has a basic responsibility for the economic well-being of all citizens in this State and Nation, and the State has the unique potential to effect necessary changes through cooperation with and coordination and utilization of the resources of the Federal and local governments as well as the private sector.

Let us not fear the elected representatives of the people—let us not continue to downgrade the chief officer of the State, the Governor. Let us start—from this day—to build a partnership that is responsive and responsible. The people cannot help but be the beneficiary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes 90, noes 41.

So the amendment to the substitute amendment was agreed to.

AMENDMENT OFFERED BY MR. TUNNEY TO THE SUBSTITUTE AMENDMENT

Mr. TUNNEY. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. TUNNEY to the substitute amendment offered by Mr. AYRES: Strike out subsection (c)(1) of section 253 of section 201 of the Ayers amendment and insert the following:
>
> "(c)(1) For any fiscal year in which any State has had in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such States for such year under section 225(a) and (b) *Provided, however,* That the Director may reserve up to one half of such amount to initiate and carry out special programs and assistance in such States pursuant to section 222, where the Director has determined that such projects and activities are necessary to strengthen efforts toward the elimination of poverty or otherwise to further the purposes of this Act."
>
> At the end of section 253, insert the following:
>
> "(e) Nothing in this section shall be construed to preclude the Director from developing and carrying on special programs and assistance pursuant to section 222 in States carrying out developmental and coordination programs."

Mr. TUNNEY. Mr. Chairman, my amendment is very simple. It would reserve one-half of the funds allotted to the States under sections 225(a) and (b) to the Director, rather than one-fourth of the funds as is contained in the substitute amendment offered by the gentleman from Ohio (Mr. AYRES) and it would allow the Director to initiate and carry out special programs in connection with efforts toward the elimination of poverty.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from California (Mr. TUNNEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TALCOTT. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, the purpose of the amendment would be to allow those States that would like to have a legal services program, which legal services program is not contained in the State plan, to have such a program if the Director of the Office of Economic Opportunity thought it was important and necessary. I feel that this is very important because there are many States that are going to try to attack the legal assistance program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think that it is extremely important that this amendment be adopted, because I do feel that there are many States such as California where the Governor is opposed to the idea of a neighborhood legal service program. I think that this amendment would make it very clear that the Director of the Office of Economic Opportunity would have authority to assist local municipalities if they want a neighborhood legal service program.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, since I was first elected to the House in 1962 I have directed my total effort at achieving a reallocation of this Nation's national priorities. In those 7 years we have made some very important basic steps toward this goal. A goal of providing a more meaningful and productive way of life for all of our citizens.,

The establishment of the poverty program has been the primary foundation for providing the poor with the needed means to make them an active and productive segment of our society. It is only possible to have a healthy society if we are willing to continue the treatment until the illness is completely cured. I am confident that today we will continue to reaffirm our commitment to the eradication of the disease of poverty in this Nation.

There is a great deal which must be done to help the poor of this country now. It is not just a moral issue that is involved here. It is an economic issue as well. It is a question of how long this Nation can afford to continue with a substantial portion of our society deprived of a decent standard of living. And it is a question of how long our economy can continue to grow with such a large segment of the economy acting as a drag by its inability to become a productive part of the total system.

The poor are not just a burden to this country but are also a vast untapped resource of the Nation's potential wealth. However, as long as their potential contribution to our society remains a mere potential, the standard of decency for all our citizens will remain a mere potential.

Today we must decide the future

course of this Nation's efforts to win the war against poverty. We must look to our past efforts as our guide to the future. Our past efforts have been greater than those of our predecessors, but then the problems have been greater also.

In many cases our efforts have not been as well directed as we would like to admit. At the same time, our efforts have been increasingly effective and the results of those efforts increasingly rewarding.

We who support the work of the Office of Economic Opportunity are willing to point to its past deficiencies just as readily as the program's most vehement critics. We realize the poverty program needs many changes to improve its performance record. That record has not been bad, but neither has it been as good as we would like to see it.

I do not propose that we today leave the Office of Economic Opportunity legislation untouched. This legislation definitely needs to be greatly strengthened. But it needs to be strengthened in such a way as to allow the program to become more effective, not less. Not more effective in terms of pacifying its critics, but more effective in terms of helping the poor, making the program more cost effective and making the program really work to eliminate poverty in this country.

The steps that we have taken so far are very basic. They are the foundation upon which we can build our future efforts. They are the only signs of hope that this country has in its fight against the disease of poverty that infests our country today.

I do not chose to stand by and watch as this foundation is attacked by those who do not seem overly anxious to eliminate poverty in this country. I do not wish to see the substitute bill enacted into law when it poses a most serious threat to the continuity of those efforts that we have just begun to make.

I realize that there are those who say that this substitute legislation will not destroy the poverty program. They say that it simply gives a larger role to the States in the antipoverty fight.

On the surface, this is what the substitute bill does. But, it is not necessary to look far beneath the surface to see that this bill will effectively cripple the OEO programs by increasing administrative costs, eliminating essential programs, and lessening the degree of local participation.

First let us look at the increased administrative costs.

The substitution bill will increase administrative costs substantially, perhaps as much as twofold. This State plan approach would result in a multiplicity of effort, duplicate staffing, and an unreasonable increase in administrative costs which would result in a decrease in the moneys actually available for program purposes.

It must be noted that the programs that would be turned over to the States by the substitute bill are not large operating programs. Their administration would be substantially less efficient if 50 State staffs were to replace the Federal staff now engaged in program administration. For example:

Legal services programs are budgeted at $54.9 million. They operate in almost all States. They are administered by a Washington staff of only 35 professionals.

Comprehensive health programs are budgeted at $74 million. Such programs will operate in 30 States and the District of Columbia, with only a single program in many of these States. These programs are administered by a Washington staff of only 23 professionals.

Programs for Indians are budgeted at $22 million. They operate in 20 States. They are administered by a Washington staff of only nine professionals.

Follow Through programs are budgeted at $58 million. They operate in almost all States. They are administered by a Washington staff of only 19 professionals.

If the States take over these programs as provided by the substitute bill, either the administrative costs will skyrocket or the program effectiveness will be greatly curtailed. I do not think the American public desire either of these alternatives.

It would be a travesty of justice if this Congress were to remove from the grasp of the poor the opportunity for them to help themselves escape from poverty. It would be equally unjust for this Congress to knowingly place an increased tax burden on the average citizen when such taxes already constitute an almost unbearable burden.

Second, let us look at an example of programs that will be curtailed by institution of the substitute bill.

The substitute bill or State plan will in effect remove such programs as VISTA and VISTA lawyers from a great many States. It is not just administrative costs associated with recruiting, selection, training, support and supervision that would pose difficulties if separate programs were to be established in each State as provided by the substitute bill.

It is also the simple reality that applicants for VISTA are not evenly distributed. The colleges, from which VISTA receives most of its manpower, particularly skilled volunteers, tend to be centralized in the larger and more populous States. This is even more so of graduate schools, where VISTA is increasingly finding its volunteers—doctors, nurses, architects, lawyers, business school graduates, education specialists.

If States were to recruit only within their own boundaries for volunteers the smaller and frequently poorer and more rural States would be relatively starved for volunteers with technical skills.

VISTA now trains its volunteers in seven regional training centers. The cost of training now is low, the process is efficient. The proposal, however, would require creation of 50 training centers and the result would by the skyrocketing of training costs and the creation of a heavy overhead burden. Instead of efficiency the substitute bill promotes waste, new bureacracies, and higher costs.

The substitute bill also provides that VISTA lawyers may be assigned only to legal services programs funded by the OEO, and that they may serve only in States in which they have been admitted to the bar.

VISTA legal personnel are not practicing law but merely performing quasi-legal work for the community.

There is no sound reason for prohibiting the assignment of VISTA volunteers with legal skills to useful programs which do work outside the scope of the legal services program. The fact of the matter is the current recruitment and assignment of VISTA lawyers has the strong support of the Director of OEO, and the legal services program and the backing and involvement of the ABA, the NLADA, and law schools and bar associations all over the country.

The restrictions that lawyers be assigned only to States in which they are admitted to the bar is not a rule applied to lawyers in private practice. It is typically permissible for a lawyer who has not been admitted to work under the supervision of a lawyer who has been admitted. There is no reason why lawyers in VISTA should be treated differently.

Last, the substitute turns over major policy determination functions to the State economic opportunity offices. Although most critics and supporters of OEO programs have urged a larger degree of participation by local communities in conduct and administration, the substitute bill does not specifically provide for this.

In fact, this legislation would substantially reduce local involvement and replace it with a decisionmaking hierarchy at the State level. The community action programs are based upon the concept of participation by the poor in programs designed to assist them.

It is very questionable whether their active participation in these programs can be preserved in many States if the programs are turned over to the States.

It is significant that the Office of Economic Opportunity was established to fight poverty in the Nation at a time when the scope of the problem and the failure of the States to cope with it demanded action by the Federal Government.

I am afraid that much support for turning this program back to the States comes from those who do not necessarily want the States to carry out a program now being done by the Federal Government, but by those who do not want to see the program carried out at all.

The critics of the OEO program say that the program has not been as responsive to the States as it should have been in the past. The critics are right and there can be little doubt about it. But the answer is not to overrespond to such a degree that the program that we are trying to improve is in effect destroyed.

Since Mr. Rumsfeld has taken over as Director of the OEO, he has initiated many steps to bring the States more fully into the decisionmaking process in the establishment and operation of OEO programs within the various States. He has pledged to further increase these efforts.

The President in his recent news conference expressed his desire that the reforms pledged by Mr. Rumsfeld be given a chance to be carried out. I also urge this body to allow the OEO Director the flexibility to carry out his pledge.

The OEO program can and must be

strengthened by passage of the enactment of substantial portions of the committee bill. This will continue the sound foundation upon which an efficient and responsive poverty program can expand.

I believe that the OEO, under the leadership of Mr. Rumsfeld has taken many steps to correct its past deficiencies and to expand the scope of its most effective programs.

The following list includes a number of major steps which have been taken in recent months by the Office of Economic Opportunity to heighten State involvement in antipoverty efforts:

A new Division of State and Local Government has been created and made directly responsible to the Assistant Director for Operations, who is a Presidential appointee. This office will help promote more effective relationships between State governments and field operations.

Within headquarters, the Associate Director for Congressional and Governmental Relations will have responsibility for maintaining effective liaison between the OEO Director and the 50 Governors and the National Governors Conference on matters affecting OEO and State relations generally.

An increase of nearly 30 percent in the basic funding level for State Economic Opportunity Offices has been included in the administration's budget request for fiscal year 1970.

A complete revision of the OEO directive on the "Role of State Economic Opportunity Offices" is being circulated to the Governors for review and comment. It provides for: Greater SEOO involvement in the preparation of the annual regional office funding plan for each State; SEOO participation in the monitoring and evaluation of OEO grantees; a strengthened checkpoint system to insure opportunity for the State to comment in the early stages of the grant application process; encouragement of State economic opportunity offices as potential grantees for demonstration or pilot programs; systematic consultation with the SEOO's in the training and technical assistance process; a requirement that regional offices shall work out a joint agreement with the SEOO's on the coordination of field personnel activities between the two offices; and, increased emphasis on the role of the SEOO as a mobilizer of State resources for use against poverty and as an advocate for the interests of the poor.

Preliminary discussions have been held with, and proposals have been received from a number of SEOO's with regard to innovative and experimental programs at the State level that they would like to undertake in a variety of areas. These include program evaluation and monitoring, analysis of State human resources programs from the point of view of their impact upon the poor, techniques of tapping private sector resources in the State for the poor, devices for coordinating State programs, economic development as a means to open up job opportunities for the rural areas, the need of the poor in State development district planning activities, and so forth. Plans are for at least 10 such demonstrations to get underway during fiscal year 1970.

A State special technical assistance program—STAP—has been initiated in three States. This program provides additional technical assistance staff capability to the SEOO's in such specialized areas as manpower, economic development, and management. Plans have been made to extend this program to an estimated total of 10 sites during fiscal year 1970.

A grant has been made to the Council of State Governments to provide technical assistance and other support to the State/STAP program. This is the first such grant that the council has accepted from any Federal agency.

Special planning grants have been made to 13 State economic opportunity offices for the purpose of strengthening their planning capabilities and maximizing the attention paid to the needs of the poor in statewide planning activities.

Funds have been set aside to bring the eight SEOO's whose present staffing authorization is below the level of five persons up to that number during fiscal year 1970.

Funds have been set aside for a training program for SEOO employees to enlarge both their technical skill level and their understanding of OEO structure and operations in particular and of the Federal Government in general. Concurrently, plans are being made to arrange for the training of OEO employees about State government, perhaps with the assistance of an organization such as the Council of State Governments.

Planning is proceeding for a program of short-term exchanges of personnel between the SEOO's and the regional offices to improve personal relationships and to increase mutual awareness of systems, procedures and operating problems.

These steps which I believe will cure most of the OEO's past weaknesses are possible only by the adoption of a plan with the built in flexibility of the committee bill.

In the interests of a more meaningful way of life and the realization of an acceptable standard of living for all our citizens, I urge the rejection of this substitute bill and the speedy enactment of the committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, I rise in support of the amendment.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Chairman, this legislation will extend the Economic Opportunity Act, more commonly known as the poverty bill. If the Congress acts favorably it will extend the war on poverty for a period of 2 years. The Education and Labor Committee has given ample consideration to this legislation by hearings, investigations, meetings, and so forth, during this year.

During this 3-hour debate the members of the Commitee on Education and labor, who have had these extended hearings and investigations on the functions of this program have amply explained to the House the various sections for which this money will be expended. During its functioning the poverty program has not been perfect, like many other programs operated by Federal, State, or local governments, but nobody can expect a program as complex and complicated, and under so many departments and branches, caring for different functions of needy folks, to be 100 percent efficient. During the operation of the EOA relief and aid have been extended to millions. Under this bill the program has been extended to include specific work for career development programs; preschool and intensive follow-through education for primary school children and eliminating hunger and malnutrition. Areas which are affected by this legislation include work training and work study programs; urban and rural community action programs; special programs to combat poverty in rural areas; employment and investment incentives; work experience training and day care programs; and domestic volunteer service programs.

No doubt opponents who are endeavoring to curtail some of these necessary activities for the needy will set out different offices or localities where the program functioned poorly because of either mismanagement or inexperience of the directors.

These defects can and have been remedied in many cases were called to the attention of the top Federal directorship. Many Members of Congress opposing this program are aware that in the three and one half billion dollar farm subsidy program which was enacted this year by the Congress had many inexcusable segments of its operation which were defective and brought about waste of millions to large corporate farm operations who collect money fraudulently for vacant land by reason of mismanagement of the regional offices. Nevertheless, Members of Congress who enthusiastically supported that fabulous giveaway voted against limiting any one farm operation to $20,000 annually regardless of waste and inefficiency. Here is a bill which calls for the expenditure of money that will aid millions of low-paid and unemployed families throughout the Nation who are helpless through no fault of their own.

I do hope that the Congress will not curb the operation of this great charitable endeavor to aid millions of the needy within the next 2 years by transferring control to the governments of the various States.

The success of a program of this type depends on continuation of personnel in order to streamline and function the various offices at the least possible cost.

I think the Members of Congress should support the request of President Nixon that this program not be jeopardized and curtailed by transferring the operation authority to State governments. It will bring about added and unnecessary expense and when the main Federal office has to distribute money to 50 Governors who, in some States have a term of only 2 years, it will be an indirect way of terminating a mammoth operation that requires direct and regular supervisors withn experience and knowledge to carry out the work efficiently.

In President Nixon's TV newscast last Monday, he was asked the following question:

A move is under way in the House, and it's supported by the Republican leadership, to change the structure of the antipoverty program to give the Governors a veto over programs in their states. What is your position on that?

Senator HUGH SCOTT, minority leader of the Senate, placed the President's complete broadcast in the CONGRESSIONAL RECORD of Tuesday, December 9. It will hereby quote verbatim the President's answer:

I support the director of O.E.O. He has asked for a two-year extension. He has pledged to reform the O.E.O., and I think he should be given the chance to reform it. I hope he's able to work out with the leadership in the House, most of whom are Republicans in this instance who want the changes and some Democrats will be able to work out some kind of accommodation with them. But of course I support my director that I've appointed.

I do hope that the House will follow the leadership of the President of the United States and help our former colleague, Donald Rumsfeld, and pass this worthy program without amendments or change. I ask unanimous consent to include with my remarks an editorial from the Gary, Ind., Post-Tribune of October 22, 1969, concerning this major amendment of transferring power to the governors of the States and particularly, the State of California.

[From the Gary (Ind.) Post-Tribune, Oct. 22, 1969]

A POOR PLOT

For once, California Sen. George Murphy is doing a song and dance routine that has a plot. The plot involves clamping a dangerous restriction on the Office of Economic Opportunity's power to help poor people get legal service they can't afford.

The script was apparently written by Gov. Ronald Reagan, another former Hollywood performer. .

Murphy's amendment to a money bill, pushed through the Senate, would give governors the right to veto any legal service plan the OEO wants to start in their states.

Reagan hasn't fared well with OEO attorneys in his state, because the legal assistance they have given to migrant workers, especially, has frustrated some of his attempts to maintain the status quo.

The War on Poverty has touched more bases than those involving food, shelter and basic necessities. Protection of the law made available through expert legal help has also been denied poor people generally. They hunger for that too, and they deserve it.

The legal services plan has helped welfare mothers, slum tenants, even steelworkers, whose rights often have been brushed aside for lack of somebody to speak for them. Many landmarks cases have hit the courts, a fact that some state and local officials view with varying degrees of irritation.

None has been troubled as much with the tide or progress as Reagan, who frankly doesn't like it.

Giving governors absolute veto over such programs would be a reactionary mistake. The House has a chance to correct the Senate's error, and we hope Northwest Indiana's representatives will get with it.

OEO Director Donald Rumsfeld is lobbying to get the amendment killed. He is enthusiastic about the legal services program. It has great promise, and should be allowed to flourish. Governors should have a say in federally-financed programs within their states, but they ought not have the power to block programs by whim.

California doesn't belong to Ronald Reagan alone, a fact he is finding out, and it irks him. But this case is bigger than California, for as California goes in this one, so goes the nation.

Sargent Shriver, former OEO boss, once said "Any program which enables the poor to do battle with the forces that oppress them at governmental expense has a high potential for conflict with the officials who make public policy affecting the poor. This is especially true where it is governmental action, often in programs designed to aid the poor, that is found to be oppressive."

What that means is that Murphy and Reagan have produced a bad show.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I rise in support of the amendment.

(Mr. FARBSTEIN asked and was given permission to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Chairman, the Green-Quie substitute to the Economic Opportunity Act would effectively gut that program by giving the State governments a veto power over OEO activities. It is hard to contemplate a Ronald Reagan or a Lester Maddox permitting any activity which would benefit the poor or the black. I believe OEO should be extended without major changes.

The OEO program has done much to improve the life of our previously forgotten low-income and minority citizens. It has given them an opportunity to develop their talents, create better communities, and has put them in a better position to compete with other sectors of our society. It is this that has scared many who advocate the Green-Quie substitute.

Through the concentrated employment programs, for example, the young are being trained and placed in jobs. Through Operation Mainstream, the talents of the elderly are being productively employed. Through the job opportunities in the business sector program, the talents of business firms are being used to train and employ the previous unemployed; and under the new careers program, the untrained are being trained to performed subprofessional jobs which have a chance for advancement.

One OEO program of which I am particularly proud is the emergency small loan program. I authored this program. Under this program, individuals may borrow up to $300 at 2-percent interest without collateral and with a minimum of investigation. The money is available to meet family emergencies. A woman in Texas, for example, obtained a loan with which to buy a special pair of shoes so that she could go to work as a nurse. She got the job and was able to pay back the loan. This program must be continued and I hope the amendment will not interfere with its continued funding.

The Green-Quie substitute would have the impact of making the antipoverty act into a State program in line with the administration's grand design to decentralize government. State Economic Opportunity Offices would receive all OEO applications before they are sent to OEO for funding. The State would have full authority to decide whether or not a program application should be approved. State economic opportunity councils would be created in each State with exclusive authority to develop an antipoverty program for the State. Once the council creates the program and passes it on to the OEO Director, he would have to approve or reject it in total.

In addition to these general provisions, the substitute would restrict the OEO legal services program by requiring all VISTA attorneys to be part of the legal services program and a member of the bar in the State in which they serve. Also a court would be authorized to award legal fees and costs to the loser of a lawsuit initiated by the legal services program.

These provisions would erode or eliminate local or community control by allowlowing State politics to interfere with a program presently isolated from politics and by discouraging maximum participation of the poor by requiring members of community action boards and agencies to be appointed by elected officials.

The Green-Quie substitute makes the poverty program operate the same as education programs and welfare categorical assistance programs under HEW now operate. These programs have been the victims of noticeable proliferation of bureaucracy, unresponsiveness, and an inability to reach those in need of help.

The legal services program would be particularly victimized under this amendment. It would introduce politics into a program which is now insulated from political pressures. This would present unsolvable conflicts of interest, as well as jeopardize the independence of the bar. It would punish legal services attorneys who lose a lawsuit by awarding legal fees and costs to losers of suits initiated by legal services. This provision which would discourage lawyers from initiating and fully pursuing cases is unnecessary since a present statute accomplishes the same thing without discriminating against legal services attorneys. It also multiplies the administrative costs of the program.

I shall vote against this substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHART).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the amendment.

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, one of the most important elements of the poverty program has been the legal aid services. It would be unconscionable to permit a State to destroy legal aid in a community without any valid reason. Yet if a vigorous legal aid service offends the State authorities, who may be defendants in a case, the defendant may retaliate by dismantling the lawyer force which represented the plaintiff under the Ayers amendment. The amendment by the gentleman from California (Mr. TUNNEY) would prevent this. I would hope the Tunney amendment would pass, but I would still be against the substitute.

The substitute would permit States to dismantle the poverty program as it exists in each State involved. For instance, with respect to VISTA the substitute would only permit VISTA groups to be set up at all if they were established under grants to State or local public agencies. The State would effectively determine whether VISTA groups would come into being in the first place.

Under existing law VISTA groups come into being under the Office of Economic Opportunity. However, local control of VISTA groups is presently assured, and a VISTA group cannot be set up at a particular place without the written consent of the Governor. But the State may not prevent even the initial existence and recruitment of VISTA volunteers.

I think the program, even with present restrictions, has worked pretty well in Texas.

There are at present 272 VISTA volunteers working in Texas—more volunteers than in any other single State. They are assigned to 13 different projects, all sponsored by local community action agencies, churches, and local self-help organizations. Despite this relatively large number of volunteers VISTA, limited by budget, has not come close to filling requests. Sponsoring organizations in Texas have asked for 699 volunteers, to be used on 47 proposed projects.

Texas is not one of our richer States. It ranks 34th in income. There is severe poverty in both urban and rural areas. There are many separate poverty problems in Texas. The poor black in Houston, the Mexican American in the slums of Laredo, the migrant worker who lives in a shack in south Texas need different approaches, different kinds of help.

What is VISTA trying to accomplish in Texas? Four of the 13 current projects are in rural areas. Education, in the broadest sense of the word, is vital among the rural poor, most of whom are Mexican Americans whose only income comes from migrant work and seasonal farm labor. There are many rural areas where the average annual income of families is less than $3,000 a year. The median education level might be as low as 3.9 years. Functional illiteracy reaches as high as one-quarter of the population.

VISTA volunteers tutor schoolchildren, and school dropouts. They have organized adult basic education classes and literacy programs. They have set up day-care centers, freeing the mothers for work, and teaching preschoolers English so that they will be better able to function in the English language, Anglo-culture school system. Fifty-three VISTA's in Texas are working with thousands of poor people in a viable effort to expand their horizons—to help the poor help themselves. And they do. Poor people, with the initiative provided through VISTA programs, have continued the operation of day-care centers, set up food commodity programs, petitioned for sewage systems, obtained running water and gas lines to their homes, had streets paved and repaired houses, set up fumigation programs against rats and insects—in short, have come nearer to reaching a decent standard of living through their own efforts.

These are small projects, but they are far reaching. Ill-fed, ill-housed, undereducated people cannot make substantial changes all alone. Particularly in rural areas VISTA's deal with these basic problems. In the cities, problems are multiplied. There volunteers are involved in similar activities, attacking basic housing and education deficiencies. But they are also fulfilling the more complicated needs of the urban poor.

VISTA's, many of them lawyers, architects, business school graduates, are able to engender programs to help meet the needs of urban dwellers. In Austin, for example, half of the 16 volunteers assigned to that city are professional people.

VISTA volunteers, working with community groups, have been able to develop economic self-help projects—credit unions, food-buying clubs, and cooperatives. Directly through VISTA, thousands of poor have involved themselves in model cities decisions that affect their neighborhoods. Volunteers work with health clinics, community centers, day-care centers. They have organized teen clubs, recreational facilities, and programs for the elderly. Dozens of educational projects—preschool classes, tutoring, adult education courses, bilingual and literacy classes are set up and taught by VISTA's. The list is lengthy. These volunteers in Texas come from all over the United States. Some are professionals, some have a general college background, some are poor themselves and work in their own neighborhoods.

It was a group of these community VISTA volunteers in Del Rio, Tex., who were involved in the only project ever canceled by a Governor in any State during VISTA's 5 years of operation. Last March, the Val Verde County commissioners, where Del Rio is located, asked Gov. Preston Smith to cancel the VISTA program in Del Rio. He did, as he pointed out, because the county officials asked him to.

Another group of VISTA's were asked to leave Brownsville. They did. Their project was an interesting, complex, and obviously, controversial one.

Among other things the Brownsville VISTA's:

Taught citizenship classes in Brownsville, San Benito, and Raymondville, to over a hundred people who wanted to become American citizens but never knew how to.

Tutored and set up tutoring programs in Brownsville in several elementary schools for over 300 elementary school children.

Organized and put together a multipurpose center and clinic in Port Isabel.

Talked a local doctor into going to Port Isabel every other Wednesday and give medical help to the poor.

Publicized and brought people to three tuberculosis clinics throughout the country.

Assisted at the Settlement House in Brownsville 8 or more hours a day doing everything from janitor work to playing with the kids.

Worked with the new retarded children's school in Brownsville.

Built two youth centers in Raymondville.

Built a youth center in San Benito.

Organized a cooperative food buying club in the southmost area in Brownsville so that the poor could fight inflation.

Helped paint, fix plumbing and did electrical work on the several houses which the city had moved and dumped on the corner of 12th and Grant Street.

Organized a dance in Garden Park so that the proceeds could be used for the children of Garden Park to have a party.

Took the kids from the Maura Smith Day Care Center to see the planes at the Confederate Air Force and the Harlingen Airports.

Took a bunch of kids to see the Elks' Club "Calvacade of Stars" and bought their tickets out of their $90 a month salary.

Organized a small weekly newspaper in San Benito which had such controversial things as "Recipes to Fully Utilize Surplus Foods," "A Weekly Report of the Sullivan School's Principal," the announcement of meetings, citizenship classes, etc.

Organized car pools to bring poor people from Port Isabel to Brownsville to the county clinic, doctors, surplus foods' department.

Organized a carpool to take the poor from Brownsville to the mental health clinic in Harlingen.

Took a family of nine kids to Houston to visit their mother who eventually died of leukemia.

Drove a dying man in rush against death to the M. D. Anderson Hospital in Houston. He had asked help from the county, but the county said, "We are only allowed to pay for the transportation of dead bodies."

Organized a Girl Scout and Brownie troop in San Benito for poor kids.

Spent hours upon hours, days upon days, visiting homes, struggling with a language, trying to help where help is needed.

After this VISTA withdrawal the Reverend Jon Bourg, of Brownsville, wrote a letter of protest to Governor Smith. The Governor, in reply, expressed the hope that:

> The time will come when the local leadership, both public and private will have found the appropriate role for these volunteers and incorporated them again in their local system for both understanding and ministering to the problems of poverty in Cameron County.

The point here does not concern the merits of the case—whether the programs were good or bad—though there are many who will argue that they were excellent. The point is that here is a practical example of local and State control at work.

Under existing law a VISTA program exists in many localities in Texas. VISTA volunteers are ready and willing to work and are accepted gladly in most of

the communities by all who deal with them. As the Governor has said, they will doubtless someday come back to Brownsville.

But under the Ayres substitute, the VISTA program might well not even exist in Texas. Had it been law from the beginning, there would have been no chance for VISTA to have proved itself. And I would hope that authority to destroy it altogether would not be given to the State of Texas. It is enough that State and local authorities may determine where it may be active.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TUNNEY) to the substitute amendment offered by the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. TUNNEY), there were—ayes 83, noes 101.

Mr. TUNNEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TUNNEY and Mr. QUIE.

The Committee again divided, and the tellers reported that there were—ayes 125, noes 156.

So the amendment to the substitute amendment was rejected.

The CHAIRMAN. Are there any further amendments to the amendment offered by the gentleman from Ohio (Mr. AYRES) in the nature of a substitute?

AMENDMENT OFFERED BY MR. OTTINGER TO THE SUBSTITUTE AMENDMENT

Mr. OTTINGER. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER to the amendment offered by Mr. AYRES:

In section 201 of the substitute, section 253(c)(1) is amended by striking the proviso and inserting in lieu thereof the following: *"Provided however,* That the Director shall reserve such sums as may be necessary to provide assistance for programs in political subdivisions which, in accordance with section 210(e), have elected not to be included in the State developmental and coordination program."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. WILLIAM D. FORD) there were—ayes 114, noes 141.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. WHITE. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE to the substitute amendment offered by Mr. AYRES: After section 303 insert the following:

"SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"'(9) A "Narcotic Addict Recovery" program designed to discover and bring about post and/or pre-institutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE) to the substitute amendment offered by the gentleman from Ohio (Mr. AYRES).

The question was taken; and on a division (demanded by Mr. WHITE) there were—ayes 87, noes 98.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. RANDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. AYRES

Mr. RANDALL. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDALL to the substitute amendment offered by Mr. AYRES: Immediately following section 302, insert the following:

"APPLICABILITY OF CANONS OF ETHICS IN LEGAL SERVICES PROGRAMS

"SEC. 303. (a) The second sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting '(A)' after 'assures' and by inserting before the period at the end thereof the following: ', and (B) that the Cannons of Professional Ethics promulgated by the American Bar Association will be complied with'.

"(b) Section 222(a)(3) of such Act is further amended by adding at the end thereof the following: 'The Director of the Administrative Office of the United States Courts shall receive any complaints or allegations which may be made concerning the conduct of programs under the second sentence of this paragraph, insofar as they relate to matters involving subject matter cognizable by the courts of the United States. The Director of such Office shall make an annual summary of such complaints or allegations, which shall be objective in character and without evaluation or comment. Such summaries shall be available upon request to a committee of the Senate or House of Representatives, and shall, at least once each year, be submitted to the Senate and House of Representatives.'"

And renumber the sections which follow accordingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. RANDALL) to the substitute amendment.

The question was taken; and on a division (demanded by Mr. RANDALL) there were—ayes 124, noes 88.

So the amendment to the substitute amendment was agreed to.

Mr. SCHERLE. Mr. Chairman, the Murphy amendment, which was adopted by the Senate, would restore final responsibility for the OEO legal services to the Governors. It would authorize each Governor to determine how best to channel legal service programs in his State. In line with President Nixon's concept of the new federalism, the elected chief executive would exercise more control over the services in his State than the nonelected Washington official. At present, the decision as to whether a specific project is a proper function of the legal service now rests with an appointed bureaucrat. The Murphy amendment would shift that final determination to the chief elected State official.

The OEO legal service was set up to provide legal assistance on an individual basis for those too poor to afford a lawyer. It has instead expanded rapidly into the so-called law reform area at the expense of the individual legal aid services. In so doing it has far exceeded—one might even say, perverted its original purpose. Examples abound everywhere.

Suits financed by the war-on-poverty lawyers have sought to persuade the U.S. district courts in Newark, N.J. and Philadelphia, Pa., to appoint Federal receivers to run the local police department. The Philadelphia suit also asked to nullify State laws against carrying concealed deadly weapons, sedition, riot, conspiracy, loitering, and obstructing justice.

In Atlantic City, the legal service program is challenging the constitutionality of the New Jersey Narcotics Act and is contesting the State law requiring dope users to register with the police.

In Indianapolis, Ind., the local legal service program distributes several thousand cards in the city's low-income neighborhoods giving advice on the "art of noncooperation" with the police.

Students on OEO-financed fellowships in poverty law at the University of Pennsylvania held the national OEO legal service director captive in his sixth-floor office for 4½ hours. Later, these self-styled defenders of the law were arrested by the Washington, D.C., police.

In Washington, D.C., the OEO legal service was instrumental in changing the regulations of the National Capital Housing Authority so that low-income couples who are not legally married or free to marry are now eligible for public housing. Furthermore, the neighborhood legal services program will continue to press the suit on the grounds that the provision is still too vague and discriminates in favor of married couples.

Under the new regulation, the unmarried couple must prove that theirs is a stable relationship.

In Detroit, Mich., and virtually every other riot-torn city, legal service lawyers have devoted inordinate amounts of time and effort to defending alleged rioters. The Essex County, N.J., grand jury, after a thorough inquiry into the 1967 Newark riot, said that witnesses "denied in whole or in part having made statements attributed to them" by the local legal service program. A number of the statements taken and finally supplied to the jury by legal services were unsigned. The grand jury concluded:

During the excitement many of those taking statements from persons involved in the riots either deliberately or unconsciously distorted these statements and in many ways conducted themselves so as to create in the minds of the public a biased and inaccurate impression of many events connected with the disturbances.

The Dallas legal services project began organizing welfare mothers in Dallas to demonstrate and protest. On November 26, 1968, the demonstrators staged a sit-in. A court ordered them to leave the wel-

fare office. They refused. Twenty-one of them, including Mrs. Ruth Jefferson, leader of the mothers, were given 3-day suspended jail sentences for contempt.

In July of 1969, the Dallas Housing Authority served a notice of eviction on Mrs. Jefferson at the request of 300 of her fellow tenants on the following grounds: First, she owed $415.28 in back rent on her $52-a-month apartment; second, she used the apartment as a meeting hall for militants; third, her presence in the project was a threat to other tenants who feared injury because of her activities; and fourth, she permitted persons other than herself and her children to reside in the apartment.

On November 3, 1969, Ruth Jefferson was taken onto the Federal poverty-war payroll at $5,400 a year plus "car expenses," as a community organizer in the west Dallas housing project from which she had been evicted. Robert Medrano, head of the West Dallas Poverty War Center, said Mrs. Jefferson was hired because of "her past performance as a community organizer."

The community lawyer fellowships, funded by the OEO through the University of Pennsylvania Law School, provide for 1-year assignments to work with local legal services throughout the country. Two of these fellows, assigned to Corpus Christi, Tex., were quoted as saying that they regret the lack of militance among the local poor people.

In California, a legal service attorney has appeared as counsel to challenge the right of a school district to set reasonable rules for the hair length of boys in high school. How ridiculous can you get?

At the Modesto, Calif., Junior College, a suit was filed in behalf of a Mexican-American club protesting a college requirement that all club members pay the student body fees of $8 per semester in order to be recognized by the school.

Mr. Roy G. Mikaken, president of the college, said:

> Those six lawyers in the Modesto area seem to be more interested in "anti" movements against public agencies.

The California Legal Association has also filed a suit to compel Brawley's City Council and Board of Education to permit students to wear the berets and insignia of the Brown Berets in school.

Last year in Hartford, Conn., the OEO authorized a grant of $272,443 to a company which existed only on paper called the "Connecticut Law Reform." The request for the grant was drafted by Howard Orenstein, legal services consultant to the OEO, who made himself director of the organization at $20,000 a year. When this story broke, the ensuing public outcry and investigation resulted in a declaration by the GAO that the grant was illegal.

Although no publicly funded legal assistance service society is supposed to accept fee-producing cases, the California legal service has filed a number of such suits while refusing services to the truly eligible. It has on many occasions filed a number of suits involving the same or similar courses of action—in effect harassing individual citizens and agencies. The California program has moved so far down the road to legal reform that it, as a tax-financed agency, is suing other Federal-funded agencies as well as private citizens. At the same time it is closing down bona fide legal aid projects because, after the funds for legal reform are allotted, not enough is left for basic legal aid projects.

In Waterloo, Iowa, the OEO-funded legal service once intended to file suits against State colleges in Iowa which require students to pay parking fines as a condition of continuing as a student. They also said that they had intended to "instigate a grassroots organization of ADC mothers to develop political power which could be used to change community attitudes."

The St. Louis legal services has engaged in activities to suit their own sociological theories rather than to provide legal aid in civil cases for the poor. It has defended and counseled local militant groups which have participated in illegal demonstrations and disorders in that city. In some cases the militant defendants have incomes well above the level which would qualify them as poor.

The unlicensed director of legal services, Denison Ray, is currently receiving a $28,000 salary that is substantially higher than that now received by a member of the Missouri Supreme Court, the attorney general of Missouri, or the mayor of St. Louis. Mr. Ray, together with 20 percent of his staff of attorneys, has been refused permission to appear in Federal court because he is not a member of the State bar. The remaining three nonbar lawyers receive between $11,500 and $18,000 as staff attorneys.

T. Hartley Pollock, who did much to establish the legal aid program in St. Louis, called the present policy of the society "a complete departure from the basis on which the program was organized."

The Murphy amendment would make such unauthorized departures much more difficult. Although OEO programs would continue to function on a local level, their projects would be subject to the Governor's veto.

The responsibility for whether the taxpayers should subsidize suits which involve the right of a school board to set reasonable standards on hair length; or whether a State's narcotics laws are valid; or whether the Federal Government should take over a local police force; or whether a group of militants should be subsidized to attack churches, schools, store owners, or the Government must ultimately rest with some public official.

This amendment simply states that the elected chief executive responsible to the people should be allowed to exercise his obligation free from bureaucratic interference.

Public administration will soon come to a standstill in this country if every act of government is subject to a prolonged lawsuit brought by tax-paid lawyers are more often political than philanthropic.

On Saturday, November 29, an article appeared in the Des Moines Tribune quoting Iowa Gov. Robert D. Ray as being opposed to the Murphy legal aid amendment. Two days later his top legislative assistant, Elmer Vermeer, called my office requesting material concerning the amendment. He said:

> The Governor does not understand the Murphy amendment and he needs background material explaining its provisions.

No mention was made of the article in the Des Moines Tribune.

Later that same day, a constituent from my district called me regarding the stand that Governor Ray took on the Murphy amendment. I immediately called the Governor and asked him if he had read the amendment. He replied, "No, I have not."

This is typical of reaction throughout the country. Many who have not even read the amendment have voiced their opposition to it. The Governor of Iowa fits squarely in this category. He should take time to read an amendment before venturing to oppose it. It would be well for him to document his opposition as thoroughly as its advocates can support their position.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the Republican substitute to H.R. 12321. The proposed transfer of the antipoverty program to the States would effectively cripple the program and transform it into a hodgepodge of unrelated efforts. In effect, each State would have an effective veto over the program and the Office of Economic Opportunity would be an administrative eunuch with little or no purpose except to passively await State decisions.

This action on the part of the minority contradicts their own President who announced that OEO was to serve as the central research and development agency for Government poverty programs. Logic defies this possibility if OEO is transformed into a holding agency with little or no structure or content.

More importantly, the Republican substitute could effectively thwart whatever progress has been made toward developing local participation in the poverty programs. Rather than democratizing the program, as the supporters contend their substitute would achieve, the substitute would have the effect of eroding and eliminating local or community control by allowing State politics to interfere with the program and by discouraging maximum participation of the poor by requiring members of the community action boards and agencies to be appointed.

Additionally, the legal services program, one of the most successful components of the antipoverty program, would be adversely affected by the substitute. Administrative costs would multiply under the substitute, legal services attorneys would be intimidated by the provisions allowing a court to award legal fees and costs to the loser of a lawsuit initiated by the legal services program, and politics would be interjected into the program.

If there are problems with the poverty program, the substitute proposal is not the way to handle them by creating 50 separate approaches. This creates an administrative nightmare and does little to further the goals of a national commitment toward eliminating poverty and injustice.

Mr. ROSENTHAL. Mr. Chairman, at a time when this country must redouble its efforts to eradicate poverty, a threat has arisen to undermine the entire crusade. Sadly enough, this menace has originated in the Congress, so the very least we owe to the public is to choke off the threat at its roots.

There are many reasons for supporting the 2-year extension of OEO. OEO Director Donald Rumsfeld has recognized the poverty organization's weaknesses and deserves the time to attempt to correct these deficiencies. President Nixon has voiced his preference for such a course, although I note with dismay that he has not backed Mr. Rumsfeld vigorously during the crucial days immediately preceding our vote.

It is not so much OEO's strengths, although they are considerable, but the Green-Quie amendment's weaknesses which provide the most dramatic case for rejection of the substitute bill.

With the increasingly rapid decay of our cities, the shocking exposes of mass hunger, and the rising discontent among oppressed and disadvantaged minorities, there is a special sense of urgency to meet the poverty problem headon and in the most pragmatic fashion possible.

We need not ponder whether this substitute bill that shifts major decision-making power to the State governments is a cynical sabotage of the national drive to reduce poverty. It is enough to say that the proposal is unrealistic and unworkable.

If all the States were equipped with the necessary apparatus and personnel to administer successful antipoverty programs and were determined to do so, the amendment before us might not be so unpalletable. But again, there is great disparity among the States.

Indeed if the States showed this kind of commitment and ability, there would be no need for any Federal antipoverty programs.

Mr. Chairman, let us turn for a moment to the strengths of OEO. This Government unit was specifically created to bypass not only the State but also Federal bureaucracies. It was designed to apply innovative approaches to problems that Federal and State agencies were either unwilling or unable to solve.

The President's message on OEO recognized that this agency was set up outside of the bureaucratic morass of redtape in order to prod Federal and State governmental units into action.

Under the Quie-Green amendment, who would be the catalyst for States derelict in their responsibilities to the poor?

States rights are important and must be preserved, but not at the expense of individual rights; namely, those of our Nation's indigent. All governmental rights in our society must ultimately be based on the rights of citizens to equal opportunity, including economic opportunity.

Of particular concern to me is the amendment's emasculation of OEO's legal services division, which has been so important in defending the poor against inequitable treatment from both public and private sources.

The provisions in the amendment would inhibit VISTA attorneys in their work and in effect, deprive the poor of legal counsel which has proven a major tool in their uphill struggle to enter the mainstream of our society.

I urge defeat of the amendment.

Mr. ROGERS of Colorado. Mr. Chairman, alcoholism ranks as the third major health problem in the Nation, afflicting at least 5 million adults. In addition, the families of alcoholics involve an average of three to four other persons. Even at that, we may only be seeing a portion of the problem. A neighborhood survey by one community action agency showed that one family out of every three had a problem with alcohol.

Perhaps more than any other vicious disease, alcoholism afflicts the whole man and the whole society. It disrupts the family, the church, and the school. And, it seriously disables the economy.

Alcoholism has a particularly heavy impact on persons and families already burdened with the multiple conditions of poverty. As in most other instances, the poor have less access to community services and facilities for alcoholics.

The chronic alcoholic is not likely to complete a job-training program or to look after his family's food and health needs even when welfare help is available. Also, the alcoholic and his family have frequently been excluded from community services simply because of the fact of alcoholism; in effect, they are punished rather than treated for illnesses.

Of particular concern are the most common effects of alcoholism; first, disruption of family life, and second, loss of employment and decreased employability.

In these two areas, alcoholism has the most impact of perpetuating individuals and families in poverty. To meet these problems, the most effective interventions are before the person has reached the bottom, that is, while there are still family ties and prospects for employment to provide incentive for achieving rehabilitation.

Multi-service centers operated by community action agencies and neighborhood health centers are key points of contact for the low-income alcoholic and his family. By virtue of their structure and orientation, these agencies are ideally suited to provide services for the alcoholic which are truly responsive to his and his family's needs. They are oriented toward alcoholism as a problem related to the conditions of poverty and contributing to the continuation of poverty. Further, they are peculiarly capable of dealing with alcoholism as a community problem and mobilizing needed community resources.

The primary purpose of an alcoholic counseling and recovery program is to develop services for alcoholics and their families, aimed at inducing and maintaining sobriety for the alcoholic, and providing comprehensive services to the alcoholic and his family through effective relationships with other ongoing programs such as health services, vocational rehabilitation, and employment, and welfare assistance.

The potential for using OEO funds and facilities to help individuals and families at the poverty level to gain relief from this dread disease already exists. However, in order to maximize this potential, a national focus is needed to establish standards and encourage the development of local activities. This effort has been initiated and will be expanded during the coming year.

Mr. POFF. Mr. Chairman, I am opposed to the Murphy amendment adopted in the other body.

I support the substitute for the committee bill.

This means that I am satisfied that there is nothing in the substitute which is either substantially or procedurally the equivalent of the Murphy amendment.

Categorically, I say that under the substitute, the Governor does not have an absolute veto over legal services. He does not have a case-by-case veto power over legal services. And he has no line-item veto of any kind.

The substitute gives the Governor the power to concur or not to concur with his own State economic opportunity office when it disapproves an application for a legal services program. His concurrence in the disapproval does not constitute a final veto. The Director of OEO can override the disapproval. In cases where the application originated with a local community action agency, all that is required to justify the override is a finding that approval of the application would strengthen the overall program of the local community action agency. In cases where the application originated with other eligible applicants, the Director can override the disapproval upon finding that approval of such application would be in furtherance of the purposes of the act.

This burden the Director must bear is scarcely greater than the burden the present override law puts upon him.

The language in section 251(c)(1) of the substitute is not the Murphy amendment, either in form or effect, and nowhere else in the substitute will such be found.

Let me explain why I am opposed to the Murphy amendment.

A Governor ought not have the power to frustrate the citizen's opportunity for counsel when a lawsuit is brought against him, either by another citizen or by the government. Neither should a Governor have the power to frustrate the citizen's opportunity for counsel when, except for his poverty, that citizen has cause and standing to bring a lawsuit against another citizen or against the government.

A Governor's power to veto a routine poverty war program is one thing. A Governor's power to veto a legal services program is another. The exercise of the former is purely administrative in both function and effect. The exercise of the latter is administrative in function but judicial in effect.

When a Governor vetoes a routine community action program, he has made a judgment that an executive program will not be administered. When a Governor vetoes a legal services program, he has made a judgment that the judicial

process will not be permitted to function fully. Such a judgment fractures the system of division of powers.

The judicial process must be protected against trespass. This is because the judicial process is the only mechanism by which citizen wrongs can be redressed and citizen rights can be enforced. If the judicial process is not independent of executive restraint, the mechanism can fail, especially if the executive branch of government is involved in citizen wrongs or citizen rights.

The judicial process is a mechanism fashioned for all men. But it is not always fully available to all men. Too often, it is available only to those who can afford the lawyer's fee. True, the judicial process in most States furnishes counsel to the indigent accused in criminal cases, but in civil cases, there is seldom such provision. Yet, the wrongs and rights in civil cases may be as vital to the citizen as those involved in criminal cases.

It is a pity that a small minority of lawyers participating in the legal services program has been guility of questionable conduct. Unfortunately and unfairly, such conduct has cast a shadow over the entire legal services complex. Such conduct should be rebuked, especially when it approaches so close to the definition of barratry. It is the responsibility of the judiciary to discipline lawyers, who are officers of the court and accountable to it, for unprofessional conduct. It is the responsibility of those who administer the legal services program and their superiors in the Office of Economic Opportunity to maintain continuing oversight and impose appropriate corrective and preventive measures wherever and whenever necessary. Prevention can most effectively be achieved by inviting the advice and cooperation of authorities at State and community levels in the planning, organization and functioning of the legal services apparatus.

Mr. FISHER. Mr. Chairman, the Office of Economic Opportunity has little to show for the $7 billion plus that it has expended during the past 5 years. An exorbitant price has been paid for any good that may have resulted.

A few months ago the General Accounting Office concluded a 1-year study of OEO and gave it very few plus marks. It found, for example, that the Job Corps, which has cost more than $1 billion thus far, had not accounted for "any substantial economic benefit thus far for youths who participated in the program." The average cost of each Job Corps trainee was placed at $8,300 per year.

The GAO said of the Neighborhood Youth Corps, designed to induce teenage students to remain in or return to classes:

> The great majority of youths who have been enrolled in the NYC program . . . would probably have remained in or dropped out of school irrespective of their enrollment in the NYC program.

It cost the taxpayers a billion dollars.

The Headstart program has been one of the more popular and successful of OEO's projects. But the cost of each enrollee averaged $1,100 a year, aceording to GAO, and that is considered to be exceedingly high.

The VISTA program has undoubtedly done more harm than good. It has used misfits and ill-prepared young people for jobs which required maturity and commonsense. In San Antonio, for example, the press reported that paid VISTA workers were active in organizing voter registration drives and in political activities. At the same place such workers participated in welfare demonstrations. The press has been replete with similar reports from all over the country. In Del Rio, Tex., they handed out hate literature and became so objectionable that city and county officials had to call on the Governor to help rid the city of their presence.

Many of the OEO programs have been absorbed by other Government agencies, where much or all of their work was duplicated anyhow. What is remaining, if continued, could undoubtedly be better administered by other agencies and by the States.

NEW RESTRICTIONS IMPERATIVE

Mr. Chairman, the law which created the Office of Economic Opportunity is so loosely drawn and so lacking in guidelines with respect to how the money is to be expended, that wholesale abuses have been reported. Perhaps never in American history has the Congress delegated so much authority to a government agency with respect to the spending of tax money. It has been a virtual blank-check operation, as everyone knows.

If the program is to be continued it is imperative that some controls and restrictions be written into the law. There is pending a proposed substitute which is designed to accomplish that objective. Under our federal system it is appropriate that the States have a voice in such expenditures. We know from experience that the job cannot be properly done at the Washington level. Money is too hard to come by, taxes are too high, the burden of government is too great, for this program to be continued at its present excessive cost. The people are tired of seeing this display of waste and extravagance.

In a questionnaire I sent to all of my adult constituents 2 years ago I asked this question: "Do you believe the anti-poverty program has been worth the money?" the result: 6 percent said "yes" and 87 percent said "no."

Adoption of the pending substitute would apply some meaningful supervision over how and for what purposess all this money is spent.

WASTE AND MISUSE OF OEO FUNDS

There is no point in listing the scores and scores of instances of waste and inefficiency in the expenditure of OEO funds. Much of it has been of scandalous proportions. Money in vast amounts has been thrown around for every conceivable purpose, much of it only remotely if at all related to any rational use for anti-poverty purposes. Some of it remains unaccounted for.

Overhead and administrative costs of this program have been stupendous. In some instances exorbitant wages have been paid. In others the personnel load has been unbelievably excessive. In one Texas city, for example, the San Antonio Light reported:

> Community action program records on the various poverty proponent projects show some 250 men and women are drawing good paychecks from Uncle Sam, from the executive director to last neighborhood aide.

The article continued:

> CAP funds being paid directors, supervisors, coordinators, all sorts of assistants, counselors, bookkeepers, secretaries, clerks, aides and trainees run into the thousands of dollars.

That city had a population of some 60,000. I mention this as an example of what I mean when I speak of excessive overhead and administrative costs.

The U.S. News & World Report, after a survey, reported:

> The five-year record (of OEO) bristles with examples of force and violence. . . . Repeatedly, there have been official charges of mismanagement, inefficiency, waste, fraud, graft, extravagance and lack of proper accounting in anti-poverty projects. . . . Critics have alleged that public funds have been misused by poverty workers in political campaigns and voter-registration drives, for union organizing, and in connection with racial disorders.

These charges are based upon hundreds of reliable reports.

The U.S. Conference of Mayors once charged that OEO was "creating tensions" among the poor and "fostering class struggle." A former mayor of San Francisco objected to an OEO Community Action Handbook which advocated "organizing low-income residents for political effectiveness."

As evidence of how the program has been bogged down in paperwork, surveys, evaluations, and what-have-you, the Washington Evening Star in its March 31, 1969, issue reported that in the last 5 years OEO had contracted for 818 evaluations, reports, studies, and surveys of antipoverty activities, costing more than $30 million. Lou Harris, the pollster, got nearly a million dollars for appraising a series of "job efforts" by the Job Corps.

Listen to this one: OEO announced a grant of $272,443 to what was called Connecticut Law Reform, Inc., of Windsor, Conn., to "coordinate legal services to low-income families."

It turned out there was no such thing. The State commissioner, LeRoy Jones, whose department was supposed to know about all OEO grants there, had never heard of it. Finally, after a persistent search the mystery was solved. It turned out that the address of the newly created law reform corporation was the home address of an OEO legal services consultant. Apparently the lawyer who was to get the handout had dreamed up the "Law Reform, Inc.," title without bothering to incorporate.

This is by no means an isolated case of waste, if not corruption. It serves as an example of how vast amounts of tax money can be spent for anything the whims of the OEO might dictate. The present law is so loose and lacking in guidelines that it seems OEO can spend it for almost any purpose that suits their fancy. Many revolutionary movements have been benefited from OEO funds,

including Pride in Washington, Rangers in Chicago, and Black Panthers in Cleveland and elsewhere.

There have been any number of instances where former OEO officials have resigned to join or create firms which then contracted with the OEO to perform one of the evaluations. What an invitation this program presents for favoritism and ill-considered and unnecessary surveys and studies of projects when in most instances Government agencies are already available to handle such assignments when they are necessary.

HOW MUCH POVERTY?

Mr. Chairman, every right-thinking American is sympathetic with those who are in need and who because of conditions beyond their control are unable to help themselves. That fact accounts for the interest in charity drives, support of the Red Cross, the Salvation Army, and the generosity of many church organizations. Americans are compassionate people and throughout our history the unfortunate and the disadvantaged have been helped when the need was demonstrated.

As the subject of charity is pursued it is interesting to note the progress that has been made to reduce the incidence of poverty—progress which was being made in this country long before the war on poverty was ever heard of. There was inserted in the CONGRESSIONAL RECORD on last December 3 some pertinent Department of Commerce data on this subject. There it was revealed that, using 1964 constant dollars, 31 percent of the families in 1947 had incomes of less than $3,000 and by 1964—when OEO was created—only 18 percent of the families fit into this category. This remarkable record was accomplished through normal economic growth which created new job opportunities, along with the cooperation of industry, Government, and private organizations.

From all the publicity given to the OEO one might think that this is about the only source of Federal aid designed to help the unfortunate. Nothing could be further from the truth. The Federal Government is now spending $27 billion a year for the poor. In addition, the States and local governments pay out $14 billion, and $2.4 billion is contributed by voluntary private agencies.

Actually, the OEO spends only about 5 percent of the total amount that is spent to help poor people.

On December 3 the distinguished gentlewoman from Oregon disclosed in the RECORD the results of a study conducted at her request by the Library of Congress. This referred to two hypothetical poor families, one being a mother and four children, and the other a mother and eight children—in each instance the children being placed in various school categories, believed to be in accord with averages.

In the first instance it was found that by taking advantage of all Government programs available, that family would be entitled to receive the equivalent of $11,513 per year.

In the second instance, that family would be entitled to receive annually the equivalent of $21,093.

Mr. Chairman, does this sound like the Federal Government is niggardly in dishing out welfare funds? Actually, such largess can, when excessive, tend to cause more people to prefer the good income and security offered by seeking a welfare-receiving status. In any event, such outlays should be restricted to the deserving and should not be made so readily available that it would help perpetuate dependence on Government as a way of life.

Some people seem to think you can cure any problem on the face of the earth if you spend enough Federal money. In fact, that concept has been predominant in recent years. But it does not work that way. Since jobs and birth control constitute the only real and meaningful answer to poverty, would it not be more desirable to dismantle the present grant programs, both in and out of OEO, and replace them with a voluntary and private enterprise plan which would encourage businesses to continue to train unemployed workers who are interested, and encourage more planned parenthood, particularly for the poor?

The fact is that poverty and hunger are being exploited by certain politicians and the poverty cult. The latter, who could be described as professional beggers, have been encouraged by all the ballyhoo to promote welfare as a way of life. They have organized in an effort to extract more from the earnings of the haves and give it to the have-nots. These people never talk of jobs; they talk only of welfare, and more of it.

Only recently at the White House Conference on Hunger, attended by more than 3,000, a resolution was adopted which called for a Government-guaranteed annual income of $5,500 for every American family of four—whether they work or not. The cost? Those people could not care less. President Nixon, who disapproved the request, estimated the cost at $75 billion a year.

While in certain circles it seems to be stylish these days to favor any expenditure if it is related to hunger and poverty, the time is long overdue to repudiate unreasonable and unrealistic demands. The pie-in-the-sky myth must be repulsed.

The least we can do in the House at this time is to adopt the pending substitute to the OEO bill. The next move should then be to screen all programs, transfer their functions to other agencies or to the States. In that way we would be better serving the best interests of American taxpayers and we would be pursuing the better course in the war on poverty.

Mr. RIEGLE. Mr. Chairman, I rise today in opposition to the substitute to the administration OEO bill.

It is true that the early years of the poverty program were marred by inefficiency, fiscal waste, ineffective programs, and overlapping effort. But in recent years, we have seen some important improvement although further improvements are needed. VISTA, for example, has cut the cost of training a recruit from $1,250 to $850. Some ineffective programs have been weeded out, others combined, and still more transferred to other departments.

When President Nixon took office, many important initiatives were taken to improve the operation of this needed agency. His new Director, our former colleague Mr. Rumsfeld, is off to an impressive start in improving OEO's operations and programs. I feel that he deserves congressional backing to put his proposals into effect and I strongly oppose any substitute bill that would undermine his efforts to do so. Therefore, I urge my colleagues to support the position taken by the administration and vote no on the OEO substitute bill.

Mr. GRAY. Mr. Chairman, to be poor is to die a little each day. I think those words would sum up succinctly the plight many Americans find themselves in today in this land of plenty. When former Presidents Kennedy and Johnson launched the broad sweeping program to eliminate poverty in America they wanted every community, every State and the Federal Government to participate in a joint effort. I am sorry to say that my State of Illinois, as an example, is spending very little money on the elimination of poverty per se; it is true that the State is building highways and some forms of public works that will have a lasting benefits on the poor. However, the State is doing very little if anything to provide financial assistance at the grassroots level where poverty does exist in our State. It is for this reason that we must continue to rely upon the Office of Economic Opportunity, a Federal program to provide the tools with which to help ourselves. It is for this reason and many others that I strongly oppose the substitute amendment that would take away from the Director of the Office of Economic Opportunity the authority to work with local communities in stamping out poverty. If this substitute amendment is adopted any Governor of any State could put a halt to local programs. The cry has been made here for States rights, but I would submit to you, Mr. Chairman, that we are now under the existing law going beyond States rights and giving this assistance to local communities. I think a local poverty director on the scene knows much more about what is needed than some Governor who may sit in a Governor's mansion 200 or 300 miles or more from the site of the poverty project. Let me give you a very good example of a case that just happened in my district last month. A young lady was abandoned by her husband, left with a 4-year-old child to care for with no income. The young mother was forced to place this child in a foster home with some distant relatives. After she secured employment she went to pick up the child and due to the attachment the distant relatives had built up for the child they would not let the natural mother have the child back. This young lady was forced to go to the local legal services bureau funded by the poverty program. The legal services lawyer immediately filed a writ in the court for the natural mother to obtain custody.

Now, Mr. Chairman, the reason this story is so pertinent to the debate today, it is ironic but true that just 2 days after this episode happened affecting the lives of these two poor people one of the high officials in that county announced that

he was repudiating the entire poverty program in his county because he felt the program had not been of any value to the poor. It so happens that this official carries a lot of political weight and is a personal friend of the Governor. If the substitute amendment were in effect it is my sincere belief that the Governor more than 250 miles away from this incident would listen to this official and would eliminate that legal services, plus other poverty programs in the area that have worked and worked well.

Mr. Chairman, we cannot afford to run the risk of eliminating these poverty programs for political expediency. The case I have alluded to, and many others in similar circumstances both for legal services and other programs administered by OEO would certainly be in jeopardy.

Mr. Chairman, much of the antipoverty money goes to the city, and many Governors and State legislatures have displayed a lackadaisical attitude toward the problems of the city. One big city mayor for example concluded there is an almost total lack of interest, lack of help on the part of the State. The Federal Government has been much more oriented toward solving the real problems that exist in this country both in rural and urban areas.

Therefore, I cannot understand any urban area Congressman, Republican or Democrat, voting for the substitute amendment. President Nixon has said he supports our friend and former colleague, Donald Rumsfeld, head of OEO. If he does, Mr. Chairman, then why not ask his own Republican colleagues in the House to support his own program and his own administrator. Next November we will hear the cry from the President, "I need a Republican Congress." Here is a good example of how a majority of the Democrats are supporting Mr. Rumsfeld and the Office of Economic Opportunity and the Nixon program and where a majority of the Republicans in Congress are against the President and his own OEO program. Our distinguished friend and colleague, the very able chairman of the House Committee on Education and Labor, Mr. CARL PERKINS, of Kentucky, recently called the substitute plan a "fraud upon the American poor" and stated that the plan will pass unless President Nixon steps in. I am constrained to agree with my friend Mr. PERKINS and hope the President will step in and that we can save this program for the poor people of southern Illinois and the country. I certainly will be doing my part to support the President and his program administered by the Office of Economic Opportunity and I hope my colleagues will reject the substitute amendment and will support the committee and help extend OEO for 2 more years.

Mr. GILBERT. Mr. Chairman, I commend the Committee on Education and Labor for its fine work in extending the Economic Opportunity Act for 2 years, with an authorization of $2.343 billion. I heartily endorse the committee's decision to perpetuate and increase the funds for such important programs as Headstart and Follow Through, Mainstream and New Careers, and emergency food and medical services. I also support the solicitude that the committee has shown for the elderly in various provisions of this legislation.

I would be less than candid, however, if I did not also add that conditions in our country justify a much greater financing of this legislation. I say this not in criticism of the committee, for I understand the handicap under which it has operated. We are living in inflationary times, under an economy-minded administration. But we are also living in times of social distress, and in my view the programs operating under the Economic Opportunity Act have demonstrated their merit in the years since their inception.

For this reason, I am unhappy that some Members on my own side of the aisle want to compromise with expediency by turning over all of the poverty program to the control of the States. We have had enough experience to know that there is no surer way to do in the war on poverty, lock, stock, and barrel. This is a time for a renewal of effort, not a retrenchment.

In fact, we are still fighting a skirmish against poverty, not the war we were promised when President Johnson proposed this legislation. The war we are fighting is abroad, where it should not be. We are still assigning false priorities to the work which must be done to repair the breaches in our society. The Office of Economic Opportunity has shown its worth, and it should be supported with an increasing financial commitment by Congress.

Mr. Chairman, I am unalterably opposed to the Green-Quie amendment, and I will vote against it.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 12321, which would extend the Economic Opportunity Act for 2 years.

The Office of Economic Opportunity, established in 1964, has done much to bring the poor and less fortunate into the mainstream of American society. It has provided jobs, training, and most of all, hope, to the poverty population. It is not an illusory hope, as many claim; it is a hope based on the efforts and the commitment of the many Americans who feel that poverty is not a "fact of life," and that poverty can be eliminated.

Should the programs of the OEO be placed under State control, their truly local character would be swept away. I, too, favor the local character of the program and participation on a local level.

In the past, we have found that in some States, cities have met resistance at the State level in meeting problems which are totally unique to the urban area. For this reason, a great many city officials have requested direct grants from Washington almost totally bypassing the State government. Should be expect the State governments suddenly to be sympathetic to the problems of urban areas?

If we urge local control, let us leave the structure of OEO programs as they are. Let us keep the poverty programs above the political whims of the State government. Let us keep poverty from becoming a political football and direct our attentions toward aiding the poor with jobs, training, and education.

To those who advocate State control of the legal services program, I ask, should the poor resolve their conflicts in the street? Or should they use the courts? The answer is obvious. If a Governor is allowed to veto certain cases, the poor in our society will not have the access to the courts that all citizens in our society need.

I concur with the American Bar Association that a Governor's veto "will impair the ability of legal services programs to respond to the needs of the poor and constitute oppressive interference with the freedom of the lawyers and the citizen."

Mr. DADDARIO. Mr. Chairman, the VISTA volunteer has more to offer than just a willingness to help the poor. Over the past 2 years, VISTA has concentrated on recruiting men and women with professional skills. Today, three out of four applicants selected for VISTA service have college degrees. A significant number are graduate business students, architects, planners, health specialists, teachers, and lawyers. Presently, more than one out of every nine VISTA volunteers is an attorney.

Six hundred VISTA lawyers are now serving all over the country, most of them under the sponsorship of legal services programs. They are supervised by staff lawyers of neighborhood legal service offices and other practicing attorneys in their areas. VISTA lawyers act as house counsel for large community groups who cannot afford to pay for professional assistance. Their services are unique.

For example, a year ago last September, New York University Law School enrolled 27 young VISTA lawyers in a 20-month masters degree program in urban affairs and poverty law, funded by the Office of Economic Opportunity's legal services. The students combine academic studies with legal field work in the poverty areas of New York City. They spread out into Brooklyn, into Harlem, the Bronx, and poor neighborhoods in Manhattan—each specializing in specific areas of poverty law, landlord-tenant problems, employment and education problems, health protection, consumer protection—whatever problem is most pressing in the communities where the VISTA lawyers live and work.

Stan Kesselman is an example of a VISTA lawyer at work. A 26-year-old graduate of Fordham Law School, and a member of the New York bar, he works on complaints from low-income consumers in Harlem. He has taken care of many through direct action with the offending firm. He handled a freezer fraud case which was settled out of court on behalf of 10 victims.

Last spring, Kesselman helped organize the Harlem Consumer Protection Union to offer free legal advice, counsel, and education. He helped to develop a legal structure for the group, write proposals to foundations, and obtained financial aid from various funding sources. Then, a couple of months ago, he helped set up another consumer protection program in the Bronx.

VISTA lawyer Louis Lanier recently discovered that a plan for vest pocket housing in Brooklyn called for the razing

of all the buildings in eight blocks at one time. There were no relocation plans for 900 low-income families living in the buildings. Lanier worked with city planners and an architect on another plan asking for staged construction. This meant that only 50 families would have to move out initially. The other 850 would move into new units as they were built. The VISTA lawyer wrote up the plan in a proposal presented by tenant leaders at a city planning commission hearing. The result: housing authorities were requested to conduct relocation studies in the area. The abrupt displacement of 900 families was stopped.

Another VISTA attorney, Arnold Bothbaum, helped prevent what might have been a major student revolt in a Brooklyn high school. By working with student leaders day after day he was able to direct their discontent into constructive action. The students settled many of their differences with teachers and school administrators in a conference instead of a confrontation.

Today there are 53 young law graduates enrolled in the VISTA-New York University Law School program. Double the number who started last year. Some are members of the New York bar. Those who are not, work closely under the supervision of practicing New York attorneys.

The substitute OEO bill would not only slow up and drastically impair the progress of this program in poverty law, it would virtually destroy VISTA legal projects in States with few law schools to recruit volunteers. More than 430 young men and women from my own State of Connecticut have served as VISTA volunteers of which 112 are currently serving in all parts of the country. Of this number approximately 50 are serving in Connecticut in 14 projects. This substitute OEO bill—Quie-Green amendment—requires that all VISTA volunteers be native to the State in which they serve. If this requirement were made law the Nation would lose the services of more than 60 Connecticut volunteers who are presently active where they are most needed in other parts of the country. Of the 14 attorneys to volunteer from Connecticut, only three have been retained in the State, thus providing 11 skilled professionals for employment in areas where the need for their services is greater proportionate to the number of volunteers so equipped. It was not the intent of the original VISTA act to force regions with the greatest need to draw upon their limited supply of professionally qualified people. This amendment would cause this situation to develop and in doing so would likely end the effectiveness of the entire volunteer lawyer program.

Mr. MONAGAN. Mr. Chairman, I oppose the substitute.

I do not take this position because of a belief that the administration of the poverty program has been flawless. From personal experience as well as from the studies of the Special Studies Subcommittee of the House Committee on Government Operations which I chair, I have become only too familiar with the deficiencies in this program.

The special study which our subcommittee made of the administration of the medical care program in Bellaire, Ohio, which was published in July constitutes a striking example of the managerial, fiscal, legal, and policy failures of one facet of this program in one particular town.

Needless to say, there have been other more glaring and more culpable examples of maladministration.

My objection to this motion, however, is based on the relief that no substantial benefit in administration would be gained by shifting the program to the States while the potential improvements of an effective national administration probably would be lost.

I see nothing to indicate that the programs which are covered by this legislation would have improved management in my own State and in fact the Administrator of the Department of Community Affairs who presumably would have charge of any State program has specifically requested that the substitute be defeated.

At the same time, there have been some administrative improvements in OEO in recent months and one can believe that further improvements could be effected under the pressure of congressional control and close scrutiny.

I do want to make clear that in criticizing the program I do not indicate that it has been entirely ineffective. There are many helpful and constructive programs included under OEO and these programs such as the foster grandparents program, Headstart, vocational training, and others should be continued.

In short, I believe that retaining Federal control with an improved policy of centralized administration would have better results for the country than splitting it up and setting up 50 different organizations and 50 different policies of operation.

Mr. RYAN. Mr. Chairman, 5 years ago Congress heard the voice of another America—an America inhabited by 35 million poor, who lived without hope and without opportunity. In response, the House passed the Economic Opportunity Act of 1964. It offered no instant miracles, no easy remedies, not even any assurance of clear-cut success. But it did do one thing—it offered what its very name says—opportunity.

With poverty still a disgrace amidst this country's affluence, the Ayers substitute bill would retract even that offer. It would turn over to the States the antipoverty program, and thereby would begin an antipoor program.

No clear-cut victories have yet been won by that silent and powerless minority of 35 million. Nor have easy answers been found. Mistakes have been made and will continue to be made, whether OEO survives or whether the poverty program is turned over to the States. This must be so, for the problems of poverty and hopelessness and lack of opportunity have confounded America for 300 years; no indictment can be sustained against OEO for not solving them in 5.

But certainly one momentous, yet subtle, change has been wrought in the last 5 years. The poor have found their voice; and they have found that some, at least, are willing to hear it.

It is too late now to resurrect the past. And it is too easy now, should this House pass the substitute to imperil the future.

The Economic Opportunity Act sought to involve the poor in determining and shaping their own destiny. It created the Office of Economic Opportunity as the only agency in the Federal Government which speaks for the poor and with the poor. Central to the poverty program is the concept of community action—the idea that people of a community, working together, can together serve their common interests and solve their common problems.

Despite the 1967 amendment to the act, which enabled local political bodies to designate themselves or others as community action agencies and thus to bring local political pressure to the fore, participation of the poor has remained the integral and vital basic premise: at least one-third of the membership of a community action agency governing board must be representatives of the poor.

The substitute guts OEO. If it is enacted, the OEO Director will be a mere figurehead: a conduit for money to the States with little supervisory authority and very doubtful authority to override a State's denial of a funding request by a local agency.

The substitute stills the voice of the poor. It turns over the Federal antipoverty program to the statehouse. It denies the local community action agency an effective right if its application for funding is rejected. It strengthens the hands of local politicians, for section 301 amends the present act's section 211 to require that public officials not only make up one-third of the community action agency board, but in addition, they are to appoint at least 25 percent of the remainder of the board.

Thus the substitute bill stifles the emerging, and essential, power of the poor by surrendering the antipoverty program to State and local politics. The bill inhibits the advocates of the poor—the legal service lawyers. And the bill turns over control of the allies of the poor—VISTA volunteers—to the States.

Section 250 of the substitute bill seeks "positive involvement" of the States "in the development, carrying out, and coordination of antipoverty programs within each State." It has been suggested that a State may opt out, that it need not exercise its authority to become positively involved. Certainly the bald truth is clear. No State is going to forgo the chance to increase power and control over those who would challenge the conventional wisdom that political power follows economic power.

Make no mistake. "Positive involvement" of the States means an attack on the poor and the powerless, on the Harlem black, and the Appalachian miner, and the forgotten Indian.

Section 251(a) of the substitute directs the OEO Director to fund the State economic opportunity offices, which are to serve as the conduits for applications for assistance made under title II—community action—and title VIII—VISTA.

It further requires that each State economic opportunity office may comment on any proposed program or activity under every title of the Economic Opportunity Act. For the State office is to play "an affirmative role" in the poverty program, and most particularly in the community action and VISTA programs.

Whose benefit does this "affirmative role" serve? Certainly the past is prolog to the future, and surely the past is grim. The black ghettos of Harlem attest to the failure of affirmative action by Alabama, Georgia, Mississippi, and other States. The slums of Chicago's uptown bear witness to the lack of affirmative action by the Appalachian States.

The "affirmative role" played by the States since passage of the Economic Opportunity Act also teaches us a lesson. The present act provides in section 242 that a Governor may veto a community action grant, contract, or loan, although his veto may be overridden by the OEO Director. In 5 years, 70 Governor's vetoes have been registered. Of these, two-thirds—47—have been registered by only one-seventh of the States. Of these seven states, six are Southern—Alabama, 13; Florida, three; Louisiana, four; Mississippi, nine; South Carolina, one; and Texas, two. And the seventh State, California, did not register its 15 vetoes until the administration of a strongly conservative Governor.

It has been said that the so-called progressive State should not be prevented from playing an affirmative role because of the failures of the so-called regressive State. The truth is that no State is progressive in fighting poverty. No State has not failed. Every State should do more—it must do more.

But the Federal Government also must do more. It cannot do less. Poverty is a national problem—the poor black farmer of Mississippi is our spiritual brother and our economic responsibility. And the duty to help is a national one, and must be met by a viable national program.

Section 251 of the Ayres substitute bill solidifies the power of the States to pursue their own ends by whittling the OEO Director's power to override a Governor's veto down to form without substance. Under the present act, the Director may override a Governor's disapproval of a community action grant if he finds the grant to be consistent with the act and in furtherance of title II's purposes. But under the substitute proposal the Director would have the onerous burden of establishing that the State office's rejection of a local agency's application for funding "would seriously weaken the overall program of a community action agency." Certainly, the Federal Government's voice under the substitute is to be a hollow one.

Section 253(a) of the substitute is the keystone of the surrender to the States, and the key to the stifling of the poor. The section authorizes the State economic opportunity officer to seek from the Director designation as the "sole agency for administration of the State program, or for supervision of the administration thereof by community action agencies." Thereby, the Mississippi State house becomes minister to the needs of the delta farmer. And thereby disappears this man's chance for change.

This same section takes no half measures; for it also deprives local agencies of an effective right to appeal the State office's rejection of their applications for funding. The substitute provides "that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing by the State office." Thus, the same State office, which may be the "sole agency for administration of the State program," is the arbiter of the applicant it has already rejected.

What has happened to the override power of section 251? It is largely meaningless—it cripples the OEO Director's authority by giving him an override only when he finds that "disapproval of such application would seriously weaken the overall program plan of a community action agency." But even this, section 253 seems to take away: if a State becomes the sole administering agency, I interpret section 253(a)(7) as cutting off the local agency's right of appeal to OEO.

Nor does section 604 of the present act appear to redeem this right. Section 604 authorizes the OEO Director to hear appeals from delegate agencies which have been rejected by the prime sponsor or community action agency. But the substitute proposes to supplant the Director by making the State office "the sole agency for administration of the State program."

Mr. Chairman, the Ayres substitute bill not only stifles the voice of the poor, themselves, by surrendering OEO's authority to State politics, and by turning over control of community action agencies to local politicians. It also severely inhibits the legal services attorneys who are their advocates.

The substitute bill places the legal services program under the control of the States: as with community action agencies, the State economic opportunity office will be empowered to reject an application for funding. Thus, every legal service lawyer will have to ask himself at every crucial juncture whether the political fallout from his actions will destroy his program.

By what double standard do we attack those who seek redress of their grievances in the streets and seek to stifle those who embrace the courts?

If some attack the legal services program, they do so because of its successes, not its failures. They attack because the Governor of California was barred by the courts from making cuts in the State's medicaid program as the result of a legal services suit, and because the poor have won the right to counsel in the municipal courts of Oregon.

But it is the courts which ruled. It is the courts which acted. Lawyers do not make law. They represent clients. It is the courts, then, which are really being indicted here. Let us be forthright about what we do. Let us not penalize the poor by stifling their advocates, just because we do not like what the courts have done.

And by what double standard does the substitute bill require VISTA lawyers to be admitted to the bar of the State to which they are assigned, while the attorneys of the affluent may appear throughout the land merely by obtaining the very superficial supervision of local counsel?

This bar admission requirement would probably not harm New York or Illinois or California, for these States produce many attorneys who join the VISTA program. But few, if any, VISTA attorneys would be members of the bar in some States. Nor is it easy to say that VISTA volunteers can readily gain admission to the local bar. In many States, they would have to pass the State bar examination, which requires months of preparation in learning the peculiarities of local law—peculiarities seldom, if ever, relevant to VISTA volunteers' practice. And following the examination are months in waiting for the results and more months until formal admission.

Perhaps even more egregious, attorneys who seek to advocate the rights of the poor and the disadvantaged would have to pass the scrutiny of State "character" committees, a task not easily accomplished if the "character" committee is composed of a group of middle-aged successful lawyers wedded to the status quo.

The substitute bill's scope is not limited only to VISTA attorneys. The bill brings the power of the State house to bear against all VISTA volunteers, for it turns the program over to the States by giving them the power to recruit, train, assign VISTA volunteers under grants from the OEO Director.

I ask, when a VISTA volunteer stands by the side of the poor, who are seeking to change the system so that they may take their rightful place within it, how can that VISTA volunteer owe his allegiance—his very assignment—to the State house, which has so seldom responded to the voice of the poor? It takes no strained imagination to foresee that few idealistic youths are going to volunteer for VISTA when they will be held responsible to Lester Maddox's State economic opportunity office.

And what has happened to the calls for economy which we usually hear from the sponsors of the substitute? To fragment a national program into 50 parts is to multiply expense and overhead. In fact, this entire bill calls for more money for administration and less for the people. Fifty States administering 50 separate programs means more staff, more paperwork, more confusion. And so the poor lose again.

Finally, the substitute bill would even stifle those who are in the most superficial way allied with the poor. The bill proposes to limit the political activities of any "person who, directly or indirectly, received from funds appropriated under the authority of this act an amount which exceeds one-quarter of the total amount such person regularly receives in salary payments, or in consultant fees."

Thereby, employees of Thiokol Corp., which operates the Clearfield Job Corps Center in Utah, are barred from seeking partisan political office and from parti-

san campaigning. So too is the janitor who sweeps the floors at the Martin Luther King Community Health Center in Chicago, and the doctor who serves the poor there.

Mr. Chairman, poverty is a disgrace in our land—a disgrace which festers in our national conscience and which taints our national dignity. It is the guilt of the affluent and the burden of the poor. Yet by some tragic contortion, the substitute bill would transmute the ills and hopelessness of our poor into their blame and their shame. It would perversely punish those who have believed us when we said to them: "Stay within the system; seek your rights within it; your stake is as big in it as is ours."

There is one portion of the substitute bill which I note with very special interest. The bill proposes that the OEO Director shall conduct projects to raise the income levels of Armed Forces families, when such families reside in the United States and through exceptional circumstances have an income level below the poverty line. Further, the director is to conduct pilot projects to raise the income levels of persons 65 and over above the poverty level.

There is no reason to limit this assistance to apply only if, "through exceptional circumstances," they have an income level below the poverty line. Nor is there much to be learned from more pilot projects. OEO is already funding a negative income tax experiment among the rural poor which includes within the experimental group aged persons.

The time for half steps and for more experiments and pilot projects is past. As I proposed in my Income Maintenance Act, which I first introduced in May of 1968, and which I reintroduced in the same form in the 91st Congress as H.R. 586 and in revised form as H.R. 14773, the time is now for the House to enact a minimum income guarantee for everyone.

The administration has requested a 2-year extension of the Economic Opportunity Act. The House committee has reported out a bill making few changes. It expands the new careers and mainstream program; it adds a title which provides special comprehensive preschool programs and programs to provide for intensive follow through education for primary school children; and it adds a new title which provides assistance for intensive programs to eliminate hunger and malnutrition.

I support the bill reported out by the committee. I would like to see more. I am not happy when the House appropriates $70 billion for the military and only $2.34 billion to fight poverty. I was not happy about the closing of 59 Job Corps centers. Certainly we cannot allow the antipoverty program to be further undermined by adopting the Ayres substitute.

Mr. FEIGHAN. Mr. Chairman, I vigorously oppose the amendment to grant Governors the right to veto legal services projects.

Proponents of this amendment have a very restrictive view of the role of legal services. Legal aid societies have a responsibility to represent the interests of the poor in the same manner that lawyers traditionally represent the interests of free-generating clients.

Frequently, the poor have legal problems involving the Government. When wealthy clients are confronted with governmental action that they wish to challenge legally, there is no bar on instituting a case against the Government in the appropriate forum. Under the proposed amendment, the case filed by the lawyer for a poor client would be subject to veto based upon political consideration. The amendment would offer only an inferior grade of legal relief to the poor. Conscientious legal representation of the poor necessitates more than routine legal representation for persons who cannot afford to pay fees.

It is through conscientious legal representation of clients that neighborhood legal services has become a vital force in bettering the plight of the poor. Innovative legal services projects have resulted in development of poverty law. A clarification of judicial interpretation of a specific law can benefit thousands of persons. It is through the politically volatile cases that law is made.

Landmark cases filed by the Legal Aid Society of Cleveland on behalf of indigent clients could have been prevented under this amendment. For instances, Cleveland Legal Aid Society lawyers were successful in an action against the Ohio Department of Public Welfare challenging the Ohio 1-year residency requirement for receipt of public assistance. In another case, Cleveland legal aid lawyers were victorious in challenging the city's method of structuring the Cleveland model cities program. There are several cases presently pending before Federal courts in Ohio, which would first, test the discrepancy in payments between aid to families with dependent children and other categorical assistance programs; second, challenge the Ohio public welfare stepfather rule; third, challenge Ohio's regulation regarding the use of social security benefits specifically designated for a particular child; and, fourth, challenge the method by which the board of education solicits united appeal funds from poor schoolchildren.

Each of those cases would be subject to the veto of the Governor under the proposed amendment. A favorable decree in the mentioned cases would improve the plight of the poor in Ohio.

If governmental officials are of the belief that a legal challenge of a particular law is unfounded, the appropriate forum to resolve the dispute is the courts, not the political arena. If the validity of a law cannot be substantiated in the crucible of the judicial process, the law is questionable. The poor must not be deprived of this opportunity to challenge a questionable law.

It would be a tragedy to limit the legal representation of the poor at a time when inroads into solving the problems of the poor have begun.

Mr. ANDERSON of Illinois. Mr. Chairman, over the past week there has been some confusion as to where the White House stood on the so-called State plan substitute to the poverty bill. Some have stated that the President is not opposed to the substitute bill despite the OEO Director's repeated assertions that the substitute was an unacceptable crippling amendment and that he spoke for the administration.

Monday night, President Nixon made known his position in response to a question at his press conference. The President said, and I quote:

> I support the director of OEO. He has asked for a two-year extension. He has pledged to reform the OEO, and I think he should be given the chance to reform it.

The President went on to express the hope that some accommodation could be reached between the OEO Director and those proposing amendments. Mr. Chairman, I want to echo that hope and indicate that I think there are some portions of the substitute that would be acceptable and noncrippling. But the President has made explicit his opposition to any crippling amendments. In his October 11 message to Congress, President Nixon said:

> I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. . . . I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life.

OEO Director Don Rumsfeld, our former colleague, has indicated that the heart of the substitute would clearly cripple the agency and "very likely would prove to be a nightmare to administer." It would radically alter the innovative research and development function of the agency by shifting the major program responsibilities to the States. I think the States should be given larger responsibilities in OEO planning, programing and evaluation. But I do not think the substitute bill offers a proper approach to this. Director Don Rumsfeld has pledged himself to implementing the provisions of the 1967 amendments which call for a wider State role; under the previous administration these amendments were ignored by the OEO. Don Rumsfeld has revised the OEO guidelines to provide for a stronger State voice in OEO programs. I think he is to be commended for this and I agree with the President that "he should be given the chance to reform it." To radically alter the agency at this time would be an unwarranted vote of no confidence in the new Director and the new directions he has charted for the agency. Let us give him a chance.

Mr. Chairman, at this point in the RECORD I wish to include a letter which I received from Don Rumsfeld in my capacity as chairman of the House Republican conference, and a transcript of the Director's recent appearance on the CBS television program, "Face the Nation," last Sunday, December 7.

The materials follow:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D. C., December 2, 1969.

Hon. JOHN ANDERSON,
Chairman, Republican Conference, House of Representatives, Washington, D.C.

DEAR JOHN: The proposed substitute to the Economic Opportunity Act, to my knowledge,

is still not available in final form. Unfortunately, this means that there has not been time for the Nixon Administration to study it and comment precisely on its potential impact. Also, it might be added that it will be equally difficult for Members of the House to study it and know with any precision what its effect might be. However, from what I know of the substitute, it seems clear that if passed it would substantially reduce the value of the reorganized and redirected Office of Economic Opportunity.

Some form of "state plan" approach is no doubt valid for certain kinds of federal programs. I have voted for some in the past. Also, the President has proposed a State approach in the Manpower Training Act for close to one-half of the Economic Opportunity Act funds. He specifically did not recommend this for the remaining activities of the Agency. The reason was that such an approach is not valid or sensible for many of the remaining activities to be conducted by this Agency.

I believe that in the past, the states have not been included in Office of Economic Opportunity planning and operations to the extent that they should have been. In the few months I have been Director several important and specific steps have been initiated to remedy this situation. Attached is a brief summary of those steps.

In my judgment, the proposed substitute would cripple the new role for the Office of Economic Opportunity. It would destroy the research, program development and evaluation function, be as damaging to the Legal Services program as the Senate-passed Amendment and very likely would prove to be a nightmare to administer.

On several occasions, the President has asked that the bill be extended without crippling amendments. This is clearly a crippling amendment. I have testified before the Congress opposing such a State plan. The President and I have both asked to be given a reasonable period of time to improve the activities of the Agency. I understand that this is a difficult vote for many members. However, a sufficient number of Republican votes are needed if we are to defeat the Waggonner-Giaimo-Green Amendment.

Sincerely,

DONALD RUMSFELD,
Director.

THE NEW OFFICE OF ECONOMIC OPPORTUNITY—OEO

Under the new Administration, OEO has a new focus and operates many different programs from those originally conceived in the 1964 legislation.

The Fiscal Year 1970 budget request for OEO is $2.048 billion. Of that amount $1.273 billion will be transferred to other agencies to fund delegated programs administered by those agencies; $775 million of the $2.048 will be used to fund programs administered by the Office of Economic Opportunity.

Office of Economic Opportunity Administered Programs

	Million
Community action operations (local initiative, training and technical assistance, State economic opportunity offices, program direction and Senior opportunity services)	$393.4
Legal programs	54.0
Health programs (comprehensive health services; emergency food and medical services; family planning)	127.0
Migrants	33.0
Research and pilot programs	114.6
VISTA	37.0
General direction	16.0
Total	775.0

Delegated Programs

	Million
Department of Labor (Job Corps; Neighborhood Youth Corps; concentrated employment program; job opportunities in the business sector; public service careers/new careers; Operation Mainstream)	$871.3
Department of Health, Education and Welfare (Headstart; Headstart Follow Through)	389.7
Department of Agriculture (Rural loans)	12.0
Total	1,273

REDIRECTION OF THE OFFICE OF ECONOMIC OPPORTUNITY

Organizational changes

Delegated Job Corps Program to the Department of Labor on July 1, 1969.

Delegated the Head Start Program to the Department of Health, Education and Welfare on July 1, 1969.

Transferred the Foster Grandparents Program to the Administration on Aging.

Executed this Administration's first complete reorganization of any major federal agency.

Establishing new regional offices in Boston, Denver, and Seattle.

Relationship with the States

Drafted new guidelines providing for a stronger state voice in OEO programs.

The Office of Economic Opportunity is strengthening the state economic opportunity offices so that they may:

Jointly develop with the Office of Economic Opportunity state funding plans for the expenditure of the Office of Economic Opportunity funds.

Better assist the Office of Economic Opportunity grantees in the planning and development of their applications for funding, and the Office of Economic Opportunity in its review of these applications.

Participate with the Office of Economic Opportunity in the evaluation of the Office of Economic Opportunity-funded programs within their state.

Community action operations

Refused to refund a number of Community Action Agencies and local delegate agencies because of poor performance.

Instituted a review of all Community Action Agencies to evaluate their effectiveness.

Prepared in draft form regulations which prohibit the hiring, with federal funds, of persons with recent convictions of serious crimes for certain sensitive positions.

Issued regulations to speed up grant processing time.

Procurement practices and conflict of interest

Prepared in draft form regulations and policy instructions to tighten up procurement practices. These regulations would:

Place controls over contracting with organizations in which former OEO employees hold senior positions.

Limit procurements which are made without competition and increase the number of awards to small business.

PRESIDENT NIXON'S STATEMENTS ON THE OFFICE OF ECONOMIC OPPORTUNITY

On February 19th, President Nixon sent to Congress a message on the anti-poverty programs of the Office of Economic Opportunity in which he called for a one-year extension of the Economic Opportunity Act. The following are excerpts from that message:

"The blight of poverty requires priority attention. It engages our hearts and challenges our intelligence. It cannot and will not be treated lightly or indifferently, or without the most searching examination of how best to marshal the resources available to the Federal Government for combating it."

"In making these changes, I recognize that innovation costs money—and that if OEO is to continue its effectiveness as an innovating agency, adequate funds must be made available on a continuing basis. It is also my intent that the vital Community Action Programs will be pressed forward."

On June 2nd President Nixon issued a statement in which he requested a two-year extension of the Economic Opportunity Act:

"I will request an extension of the authorization for OEO appropriations from June 30, 1969 to June 30, 1971; and I will ask that the Economic Opportunity Act of 1964 be extended from June 30, 1970 to June 30, 1972."

"A two-year extension would provide a better framework within which the necessary improvements in the anti-poverty program can be made."

"If we are to make lasting significant headway against poverty, there still is a great deal to be learned about what works and what does not. This Administration is committed to search for that knowledge, and to use it. We are committed to the continuation of an agency whose special concern is the poor; and we are determined to make the Nation's anti-poverty efforts function more efficiently and serve the poor more effectively."

On August 11 the President issued a statement on the reorganization of the Office of Economic Opporunity:

"I believe that the goal of full economic opportunity for every American can be realized. I expect the Office of Economic Opportunity to play a central role in that achievement. With new organizational structures, new operating procedures, and a new sense of precision and direction, OEO can be one of the most creative and productive offices in the government. For here much of our social pioneering will be done. Here will begin many of our new adventures."

On October 11 President Nixon sent to the Congress a message on several legislative issues. One part of that message deals with reform of the Office of Economic Opportunity. Concerning OEO reform, the President stated:

"I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. . . . I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life."

FACE THE NATION

(As broadcast over the CBS television network and the CBS radio network, Dec. 7, 1969)

Guest: Donald R. Rumsfeld, Director, Office of Economic Opportunity.

Reporters: George Herman, CBS News; Martin Nolan, Boston Globe; David Schoumacher, CBS News.

Mr. HERMAN. Mr. Rumsfeld, House Republicans are backing an amendment which you have said would make your job an absolute nightmare, but Republican Leader Gerry Ford seems to feel that the President will settle for the amendments. Do you have any new word from the President that he plans new action to oppose them?

Mr. RUMSFELD. Well, I discussed the legislation at some length with the President on Friday, and there is no question in my mind but that the President supports my position. And it is my hope that we can have the House very quickly pass legislation dealing with the Office of Economic Opportunity so that we can get on with our job.

ANNOUNCER. From CBS Washington, in color, FACE THE NATION, a spontaneous and unrehearsed news interview with the Director

of the Office of Economic Opportunity, Donald Rumsfeld. Mr. Rumsfeld will be questioned by CBS News Correspondent David Schoumacher, Martin Nolan, of the Washington Bureau of the Boston Globe, and CBS News Correspondent George Herman. We shall continue the interview with Mr. Rumsfeld in a moment.

Mr. HERMAN. Mr. Rumsfeld, I can understand that you want the extension of the OEO passed, but do you want it passed with these amendments? Is that what the President and you are favoring?

Mr. RUMSFELD. No, indeed. I have stated categorically that I think that the substitute that has been proposed within the last 48 hours is not desirable and it is my hope that the two-year extension will be passed without amendments of that nature. The reason for this—this is the President's position also—the reason for this is that we have an agency that has been designed to function in a way which would enable it to embark on research, evaluation, the development of new programs, and to force the activities of that agency into a mold that would very closely approximate a state plan or a normal governmental approach which I think is undesirable and unwise.

Mr. NOLAN. Mr. Rumsfeld, when you were in the House you were always identified with the liberal wing of the Republican Party. You are a very good friend of Senator Goodell, of New York, who has been critical of just about everything Mr. Nixon does, and now you find yourself being opposed by Congressman Ford, who is the Republican floor leader. Which way do you think the Republican Party is headed in domestic legislation? Is it toward Senator Goodell's idea of things or toward Congressman Ford's?

Mr. RUMSFELD. I would think that, trying to read motion of the Republican Party into any debate on the Economic Opportunity Act really wouldn't be a very good idea, for this reason: Historically, this agency has been a very controversial one in the Congress. You can recall that it was created amid a very partisan atmosphere, back in 1964, and it has been subject to a great deal of criticism over a period of five years. The Republicans in the House who, of course, I have served with and are good friends of mine, have had a position, a good many of them, of opposition to the agency as it was being operated. It is understandable to me that the members of the House would reflect some of the criticisms we've seen across the country. I understand that. The fact remains that I think that it is desirable for this country to have an agency that has as its concern the problems of the poor. I think it is desirable that that agency—which is not a big agency, it is not a massive war on poverty, as has been said over the years, it is a smal office in the Executive Office of the President. Its budget is $2 billion, out of a budget of $192 billion. All agencies of government are involved in the problems of the poor and so, too, the state and local government. But my point is that I think that this country is big enough and wise enough to allocate some $775 million, which is essentially what is involved in this amendment, for the purpose of seeing if we as a society can make our institutions function as better problem-solving mechanisms. I don't think it is desirable to impose a mold on the activities of this office that is similar to the mold that functions with respect to so many other government programs. I think that we need better ideas. We need better solutions than we have.

Mr. SCHOUMACHER. Mr. Rumsfeld, there are, of course, people on the Hill that would disagree with your view of what the substitute would do in the Economic Opportunity field, but before I go into that I have a sort of a political question: Throughout the campaign, the President, in fact, called OEO a failure, the poverty program. The newspapers have been full of abuses that have been committed in this program. Many Congressmen, Republican Congressmen as well as Democrats, campaigned against this program last time. I can't understand what made you think that, in view of this background, Congress was going to be willing to accept a program identical with what has gone on in the past. How could you come before the Congress and say "Give us two more years of the same thing, with a little extra money"?

Mr. RUMSFELD. Well, I didn't, as a practical matter. The point I made, when I testified before both the House and the Senate, and the point the President made while I was still in Congress, before I ever left the Congress to come to the Office of Economic Opportunity, was that there were a variety of changes that he, the President, had made before I came in, such as the delegation of Headstart, the delegation of the Job Corps. There were a variety of changes that I have made subsequent to my becoming Director. We have completely reorganized the agency. We have redrafted, rewritten a great many of the procedures and guidelines, its relationships with states and local governments. We are in the process of fulfilling the President's mandate, to see that this agency becomes the innovative arm of the federal government. So there have been a substantial number of changes. There is an additional change that has been put forward. Out of the $2 billion in the Office of Economic Opportunity legislation, the President has proposed the Manpower Training Act, which would take about $900 million, and place them in the Department of Labor, where they are presently administered, although funded in our Act, and then develop a better involvement of the states for those parts of the program. But he specifically said—and I have specifically said—that the remainder of the funds in the Economic Opportunity Act, roughly the $775 million I am referring to, should not be placed down to a different level of government or handled in a different way.

Mr. SCHOUMACHER. But most of these things you're saying are regulations that you yourself have instituted, that may or may not work under you or someone in the future.

Mr. RUMSFELD. No, some of——

Mr. SCHOUMACHER. I mean streamlining the efficiency. Wouldn't you, if you were on the Hill, insist that there be some changes in the law?

Mr. RUMSFELD. Well, that is what I was just saying. There have been changes. The President has proposed the Manpower Training Act. He has already delegated Headstart and the Job Corps, prior to my even coming into the agency. There have been changes involving about three—three substantial changes, some legislative and some not—involving about three-quarters of the agency's activities, about $1.2 billion out of $2 billion.

Mr. SCHOUMACHER. The controversy, of course, involves the Community Action, I mean much of the controversy——

Mr. RUMSFELD. This is true.

Mr. SCHOUMACHER. Surrounds the Community Action Agencies, and in that area there is no change in the law that you have asked for.

Mr. RUMSFELD. That's correct.

Mr. SCHOUMACHER. Are you not now willing, in view of this, let's say, fairly substantial sentiment in the House to consider a substitute to try to rescue the bill?

Mr. RUMSFELD. Well, of course, under our Constitution, the Congress certainly has the prerogative to debate and make changes in legislation. It is my responsibility, as Director of the agency, I think, to indicate what I believe is in the best interests of this country and the best interests of this agency, and this is what I have been attempting to do. I think that there is no question but that it is understandable, that the Congress is reflecting a reaction in the country. My hope and my concern is that I don't want to see the Congress over-react. I don't want to see an over-reaction that would lead to a situation where this country would not be able to deal in an effective way and an aggressive way with the problems of the poor.

Mr. HERMAN. Well, in hardtacks now, Mr. Perkins has got this delayed for a week or two. You have your forces to muster, presumably your biggest gun and your artillery is the President of the United States. I come back to my opening two questions. Perhaps I worded them a little loosely, but my question really basically is this: You have a short time left. All the surveys seem to show that the Democrats are behind you but they need a certain number of Republican votes, and they don't have them. Can you, with the aid of the President—is he going to do something new—can you muster the Republican votes needed to pass the bill the way you want it?

Mr. RUMSFELD. I don't know. Right now, it is close, to be quite honest.

Mr. HERMAN. Is the President going to do something new?

Mr. RUMSFELD. The situation is that there are 435 members of the House. Only 189 of those are Republicans. The vast majority are Democrats and we need a substantial number of Democrats and a substantial number of Republicans to prevail. I have been working on the Hill trying to see as many members in both political parties and to persuade them of the opportunities that we have with this agency to be sure to correct some of the excesses of the past. Now, I have talked with the President about this. I imagine this question would come up on Monday evening. There is no question in my mind but that the President fully supports my position, and he has indicated this on four separate occasions. He has made four statements, and he and I are both excited about the prospects that we have in this administration to have in the Executive Office of the President an agency that can do the important work that he has set forth for us.

Mr. HERMAN. Sir, I know that and the Republicans know that. Now they are all in the past. They were before these amendments were brought up. At this point, as I understand it, you need a third of the House Republicans behind you. Do you think the President can get them for you or that you can get them for yourself?

Mr. RUMSFELD. As I say, I don't know. I think it will be close. We have, I think, something approximating a third of the House Republicans who will be supporting us. We have members of the Republican leadership who are going to be supporting the position we have put forward.

Mr. HERMAN. Which members of the leadership?

Mr. RUMSFELD. Congressman John Anderson, I believe—

Mr. HERMAN. Oh, yes.

Mr. RUMSFELD. —and I think Congressman Robert Taft. Both are members of the leadership and have indicated that they are in favor of the President's position. That is my understanding, at any rate.

Mr. NOLAN. In light of your own rhetoric about saying that this is not a massive war on poverty, and in light of the fact that two leading components of OEO, the Job Corps and Headstart, are now gone from your jurisdiction, could you project for us what do you think the future of OEO will be like, say, five or six years from now? What sort of things will you be doing?

Mr. RUMSFELD. Well, if we look at, I think, the country, at least through my eyes, I see a situation where we have massive federal, state and local expenditures to deal with the problems of the society—in the case of the federal government, close to $200 billion. We see a shifting of priorities in this country. We see a reduction of defense expenditures.

We see a phasing down of the war in Vietnam, basc closings, and we see an increase in domestic cxpenditures. I am concerned. I don't believe that, as we shift priorities—and, indeed, they are shifting—as this happens, I don't believe that it will be desirable for this country to simply put more money into the existing federal programs we have. I don't believe that those faucets are working perfcctly. I think some of them are rusted, have barnacles. And I don't think the institutions of this country are functioning in a perfect problem-solving way. And the charter that the President gave the Office of Economic Opportunity and what, if we are successful, will be the case, is that we will see this office embarking on things that are difficult, that are experimental, that are of a research nature, of a program develop nature, to the extent they are successful. We will try to develop them and expand them: to the extent they are not successful, I hope we have the courage to say they are not successful and stop them. But, for example, take the—

Mr. HERMAN. Let me break in right here, Mr. Rumsfeld, for just a moment. We will interrupt at this point, and we will be back to you in a moment.

* * * * *

Mr. HERMAN. Mr. Rumsfeld, I interrupted you in mid-stream. I apologize for that. I would like you to go on. I would also like, if you will, for you to discuss the problem of legal services under OEO.

Mr. RUMSFELD. Yes, indeed. My thought was this, that we have an agency that is very little understood. What it is, essentially, is 49 health centers, neighborhood health centers that are providing the delivery of health services in a very different way; family planning services across the country; migrants, Indian activities, community action agencies, and also some 1,850 legal services lawyers, a worthy legal services program, for example, to be placed under a state plan approach. I think it is likely that we would have great portions of this country where the poor would not have access to the legal system, the kind of access that the support and counsel that legal services lawyers provide. And I believe that it is providing the poor of this country access to the legal system, is exceedingly important; certainly is the most legal, the most reasonable, the most peaceful way to redress grievances in this society that exists.

Mr. HERMAN. In view of the fact that you have said that these amendments, putting it under state control and so forth, would make administering of the program an absolute nightmare. If these amendments, the Quie and Green amendments, pass, will you stay on as Director of OEO?

Mr. RUMSFELD. Well, I would think that we have got the conference, we have got the House action before us, we have got the House-Senate conference, I can't believe the Senate would be agreeable to some of these changes—for example, with respect to the VISTA Program. The effect of these amendments, as I understand it—and I must say, it is difficult to speak precisely about the substitute, because it has only been very recently made available, there have been no hearings on it; there has not been an opportunity to study it in complete depth—but the effect on the VISTA Program would amount to abolishing it, for example. There are 6,000 VISTA volunteers around the country. If it were operated on a state plan, that would mean you would have about 120 per state. Well, there is obviously no state that could conduct national recruiting for VISTA or national training. It would be a very different operation.

Mr. HERMAN. Well, on a hypothetical basis, if this should come about, how do you feel about staying on?

Mr. RUMSFELD. I would think that what would be done, if something like this were passed and approved when finally finished through the Congress, if it proved to be impossible to administer, that the next course of action would be to come up in January with legislation that would correct the defccts, because certainly that is the way our system works between the Executive and the Legislative Branch.

Mr. SCHOUMACHER. I cannot, after reading the Hill testimony back in June and the debate recently on the floor, understand why you feel that the provisions of the substitute are as destructive as you seem to think. According to their sponsors, it is now in the law that a state can declare itself the community action agency and take over the program, with the escape valve that local communities can opt out, that that isn't really changed, and they say that there are six separate controls under their substitute that you would have over the program which, if you were dissatisfied with the state program, you could either close it down or you could still take it over and administer it directly from Washington. It is really as destructive as you're saying?

Mr. RUMSFELD. Well, of course, what I have said is that insofar as I am ablc to assess the substitute at this point, I feel it would be very undesirable. The President made a speech called "new federalism," and he talked about four things. He talked about the new family assistance program, which would revamp the welfare system. He talked about manpower training. He talked about revenue sharing, and he talked about the reorganization and the new charter for the Office of Economic Opportunity. In two of those instances, revenue sharing and manpower, he said that we want to have shared responsibility with the states, and we're going to move the responsibility toward the state in those instances. In the other two, in the family assistance system and in the Office of Economic Opportunity, he said that there is an important federal role. For example, in family assistance, he said there is going to be a national minimum, and he said that the federal government would assume a greater part of the role of financing the welfare programs. And, with respect to the Office of Economic Opportunity, he said something essentially the same. He said there is a need in this country for an office, a federal office, that has as its role the development of better ways of delivering services to the people of this country, better ways of improving economic opportunity, better ways of helping individuals improve their capabilities to take advantage of economic opportunities. There is nothing wrong in the world with having the states involved in many of these programs, and they are in the manpower program, and a variety of others. My point is that I don't think it is healthy for a society to take all of the activities of the society and put them into the same mold, and this is, in effect, what this approach would seem to me to do. Therefore, I must concede there are parts of that substitute that are perfectly acceptable. We are already doing administratively some of the things tha are in that substitute.

Mr. SCHOUMACHER. Well, Mr. Rumsfeld, aren't you also concerned, as some members of the Congress are, about this so-called "poverty industry" that has grown up? Somc of these things seem to be almost the cries of pain of bureaucracy rather than of an agency that just wants freedom to innovate and make test programs.

Mr. RUMSFELD. Well, I am concerned, and I have indicated publicly my concern about this problem. I indicated, as a member of the Space Committee, when I saw what was happening in the space field. I discussed it, when I was in the Congress, concerning the defense industry. And it is inevitable. It happens. And it is something that our society has to be very alert to avoid, to the extent that we are able. There is no question but that there are a limited number of people in this country who have experience in space, who have experience in activities the nature of which the Office of Economic Opportunity is involved in. I have been attempting to improve the situation, to rewrite the guidelines, and I think we have done a very effective job.

Mr. NOLAN. On May 26, when you were sworn in at the White House, Mr. Nixon said that your first role would be as an assistant to him in regards to the problems of poor people, and only secondarily as Director of OEO and as a member of the Cabinet. Yet, if you were a poor person in the ghetto somewhere, you would look at the television and you would see Gerry Ford coming out of the White House briefing every week and talking one way, and why should he believe you? I am asking particularly in light of the fact that the Catholic Bishops of New York read at every mass in New York State today a letter talking about the growing bitterness and resentment towards the poor, which they said was caused by some of this legislation. So why should any poor person believe you, when so many other figures are talking another way?

Mr. RUMSFELD. Well, I guess the—I don't know the letter you are referring to, the growing bitterness of the poor or toward the poor?

Mr. NOLAN. Bitterness and resentment of their presence among us is the way the letter reads.

Mr. RUMSFELD. Because it is a comment on the fact that society today——

Mr. NOLAN. Recent legislation that has increased the hardship of many poor people, this is both on the state level—and New York is regarded as a more liberal state than others——

Mr. RUMSFELD. Well, I don't know if you are referring to state or federal legislation, but the fact of the matter is that in the nine months this administration has been in office, it has put forward a host of proposals that are still pending before the Congress concerning the welfare system, food and hunger, manpower training, the Office of Economic Opportunity, and I think that it is regrettable that the Congress has not acted on this legislation.

Mr. NOLAN. Yet they are about to cripple the——

Mr. RUMSFELD. The cold hard fact is that this is December. The fiscal year started five and a half months ago. The Office of Economic Opportunity still doesn't have its funds for the fiscal year that began five and a half months ago. This is no way to run a government. Now, we have passed, I think, four appropriation bills in the Congress thus far. This means that not only can you not plan but it is half through the fiscal year before you even know what you will be getting.

Mr. HERMAN. But, Mr. Rumsfeld, wasn't it the supporters of OEO that, in fact, delayed this program to this point? That is, that they were looking for votes. They didn't have votes until now. Now, at the very end of the session they have tried to push this through, and they have been blocked. It happens all the time on the Hill.

Mr. RUMSFELD. Well, it shouldn't happen, and I don't know that what you are saying is exactly correct. The fact of the matter is that it has happened with a whole list of pieces of legislation that are still before the Congress, that have not been acted on.

Mr. HERMAN. Well, on poverty, let me take you beyond Congress. I don't think it is fair always to belabor Congress as the villain. Do you think that the American people really are willing to support a massive effort to help the poor? For example, at the recent White House Conference on Hunger, the resolution was passed to seek $5,500 a year minimum for a poor family of four. Now, the calculations I've seen mean that

this would amount to anywhere from $70 to $100 billion a year. Now, do you think the American taxpayer, to say nothing of the Congress, do you think the American mediumly-wealthy, the American taxpayer is willing to support this kind of increase?

Mr. RUMSFELD. Us.

Mr. HERMAN. Us, you, me, everybody, people who own television sets—the American taxpayer is willing to support, whether Congress will or not, that much of an increase?

Mr. RUMSFELD. Well, of course, that isn't the recommendation that the President has made. The President has made a recommendation of a family assistance system to increase the coverage to a vast number of individuals.

Mr. HERMAN. I understand, sir, but——

Mr. RUMSFELD. And my point—I have a lot of confidence in the American people, I really do. I think that, when a subject is intelligently discussed and they understand it—the Office of Economic Opportunity is not for the poor. The Office of Economic Opportunity is for this country, and to the extent that we are able to do a good job in dealing with the problems of the poor, we have made this a better society. And we can't have a country where there is a separation, a division between people, and people feel separated from society.

Mr. HERMAN. And yet the relief rolls climbed 10 percent in the last year.

Mr. RUMSFELD. And this, of course, is testimony to the present welfare system, which is clearly a disaster. Everyone agrees with this, and this is why the President of the United States said, "I am not going to walk one more step down that road." This is the reason he has put before the Congress a very new and exciting and very bold program to completely revamp the present system.

Mr. NOLAN. Your own budget preparations—now, you have to prepare a budget that involves the community action program, legal services, VISTA and the rest, is that going to be considerably higher or at the same level as last year, or—

Mr. RUMSFELD. Well, of course, we are operating in the blind. The fiscal year is half over. We have already started the '71 budget cycle, as President Nixon recently indicated. It may be that the administration will not be able to come forward with the '71 budget because we don't have the vaguest idea from the Congress what we're going to be operating on during the year that is now half over.

Mr. NOLAN. Well, you must have some guidance from people in the White House and the Budget Bureau.

Mr. RUMSFELD. As I say, we are going through the Budget Bureau process right now, and we have requested an increase.

Mr. NOLAN. Are they optimistic, generous? How do you——

Mr. RUMSFELD. Well, I think it is rather clear, that it is a very difficult thing to build a budget for a year to follow on when you have not really been given any idea of what you are going to be able to have during the preceding year. In just developing a budget proposal, it is practically impossible to do it.

Mr. SCHOUMACHER. With the minute or so that we have left, could you put on your presidential counsel hat again and tell us what is the problem of getting a new draft director? Do we have one yet? And have people turned it down? What is going on?

Mr. RUMSFELD. Well, it is not an area that I have been personally directly involved in. I will say that, from my experience in Congress, having worked to try and bring about changes in the draft system, I am disappointed that the Congress has not moved further along the line that the President has proposed. I am pleased that we have been able to make some changes. I would guess that there would be a decision on a new director of the Selective Service in a very reasonable period of time.

Mr. NOLAN. You're still for the volunteer army, despite the huge costs?

Mr. RUMSFELD. I am, indeed, and the cost would not be huge. The money difference is what we are presently taxing people by their service in the military. I think that this country is perfectly capable of paying people what they would be able to make in the civilian competitive manpower market for military service.

Mr. HERMAN. Thank you very much, Mr. Rumsfeld, for being with us here today on Face the Nation. We will have a word about next week's guest in a moment.

ANNOUNCER. Today, on "Face the Nation," the Director of the Office of Economic Opportunity, Donald Rumsfeld, was interviewed by CBS News Correspondent David Schoumacher, Martin Nolan, of the Washington Bureau of the Boston Globe, and CBS News Correspondent George Herman.

Mr. RANDALL. Mr. Chairman, I walked through the teller line in the Committee of the Whole in favor of State participation in antipoverty programs. I have no apology because my philosophy has always been in support of States rights. I did not act in haste or without a study of our situation in the State of Missouri. I consulted with some of our State officials and with the Governor of our State. It was their conclusion the poverty program would be improved by greater State participation.

While I agreed there may be some improvement achieved through State developed programs I doubt that even such steps can result in enough improvement soon enough as to make this program acceptable by the majority of my constituents.

Mr. Chairman, I am afraid it may be heretic to criticize the so-called war on poverty. The reason is there are countless organizations and individuals who feel an honest compassion for the plight of the poor in this country. I share that compassion. But I also have a responsibility and obligation to see that the tax money of our constituents is expended in ways that promise reasonable returns from every expenditure. The facts are that due to the high ratio of cost in relation to benefits there is very little to recommend OEO as a vehicle through which want can be eliminated in this country.

Of course, I am not against the poor. I am against money supposedly directed to the poor never reaching the poor. I am against high administrative costs which eats up all the money before it gets to the poor. I suppose that is why I was in favor of further State participation because I believed money spent by the States would do the most good.

Time will not allow enumeration of but a few of the cases of mishandling of funds under the banner of fighting poverty. Yet everyone knows there have been a countless number of instances of personal enrichment of various individuals connected with the Office of Economic Opportunity. Only today the Washington Post reports the indictment of a minister in Richmond, Va., on a charge of embezzling community action program funds. This is not an isolated news report. It just happened to be one that appeared in the paper today.

Mr. Chairman, were I to support H.R. 12321, the people in my district would know that I support the antics of Pride, Inc., here in Washington, D.C., and its director, Marion Barry. These stories have gone out over the wire services from coast to coast. My people know the Blackstone Rangers in Chicago have been subsidized by so-called poverty funds.

Recently, our colleague, the gentleman from Kentucky (Mr. CARTER) reports that the General Accounting Office revealed that in one poverty program conducted in his State, involving $1,100,000, only $295,000, or less than one-third of the total, actually went in direct benefits to the poor. All the remainder was for administrative expenses, which included about $100,000 travel expenses. This same kind of situation has been duplicated over and over throughout the United States.

In former years one of the foremost reasons I have opposed the poverty program was because of the imbalance or inequitable distribution of funding between urban and rural areas. That imbalance still exists. Poverty is just as real in rural America as it is in urban America. But the heavy funding goes to the urban areas. Those in charge of the program argue this is necessary to cool off racial motivated violence. On the contrary, I am convinced that in some of the eastern cities the funding provided by OEO has actually contributed to finance unrest and increased racial disturbances.

As in former years, let me make it clear that there are a few oases in the OEO desert of poor management and maladministration. Once again, I wish to compliment and praise the work of the Regional Office of OEO in Kansas City, Mo., and its fine director, Don Thomason, as well as the members of his excellent staff. Whenever I have complaints about the operation of some of the projects in our congressional district, he always provides a prompt and complete report. Because of the so-called "city hall" amendment he cannot always right the wrongs complained about, but he has offered suggestions which reduce the repetition of complaints that reach our office.

Yes there are some good things going on within the overall poverty program. Let me take the time to mention a most pleasant experience on Saturday afternoon, November 1, when I had occasion to visit the Sac-Osage Craft Center in Osceola, Mo., in our district. This project funded by the West Central Missouri Rural Development Corp., operating under a very small appropriation in a distinctly rural area is a place where our older people are given a chance to create or produce handicraft objects. They produce wood carvings, make quilts and rugs. They refinish antique furniture and reupholster furniture. All of these items are offered for sale in the craft center to provide added income for the senior citizens of the area who participate in this center. It is a distinct privilege to pay special tribute to Mr. Charles Braithwait, the director and his small staff that have proceeded on a low budget to enrich the lives of the senior citizens of this county. If there were more instances of this sort of good administration OEO would not reap such widespread criticism, but would merit the support of every Member of Congress.

Mr. LOWENSTEIN. Mr. Chairman, I

spoke earlier today on the merits of the proposed Quie-Green substitute to the committee bill. I can add little now to what I said then about the merits, other than to express my amazement that if the substitute would be such an improvement every one seems to want his pet program exempted from its provisions.

I also want to remind my colleagues, especially my Republican colleagues, of something that keeps running through my mind as I listen to the oratory today.

One of America's hardest working, most capable, and most promising public servants is the new Director of the OEO. He was elected repeatedly to this House by overwhelming majorities, and came to be respected as one of the brightest and most dedicated men to serve here during this decade.

Furthermore, he is a Republican. So is the President who appointed him and conferred Cabinet status on him, and who now urges support for him.

I know no one who knows Don Rumsfeld who does not admire his integrity and his dedication to the democratic process and to America.

In view of these facts, much of this discussion baffles me. Is Don Rumsfeld the arrogant "bureaucrat" that the minority leader says he would not accept dictation from? Or was that a reference to the President? Is it the contention of those who are pressing this substitute proposal that Don Rumsfeld is incapable of administering the antipoverty program? If that is the case, was the President misguided to appoint him? Or is the contention that when you appoint a capable administrator the best way to use him is to make sure he has as little as possible to administer?

Lest anyone be in any doubt about what the Director of the OEO feels about the vote that is approaching, I am now going to read a statement from him dated December 12, 1969, that is explicit and eloquent about the question now facing us.

STATEMENT OF DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, DECEMBER 12, 1969

Since assuming the responsibilities of Director of the Office of Economic Opportunity several months ago, I have repeatedly expressed support for the President's request for an extension of the Act and opposition to a state plan approach. That was my best judgment. It remains my best judgment.

I appreciate the intensive efforts that have been made by many friends of the agency to ameliorate the most objectionable features of the proposed substitute bill. Unfortunately, the end result of that effort has fallen short of what is necessary for an effective program.

While several changes have been made in the substitute bill, the fact remains, by the testimony of the principal author, that they do "not change the substance of the substitute." I agree with that assessment. For that reason it remains my hope that the substitute bill will be defeated.

The Administration has set forth its recommendation. The Senate has supported that position by a vote of 72 to 3. In the event the House adopts a different position, it is my hope and that of the President that the final legislation will meet the requirements for an effective national effort to deal with the problems of the poor.

I believe that this Nation is wise enough and big enough to recognize that there is much work to be done if we are to meet the urgent problems which face society—for the benefit of the poor and the non-poor alike—and get on with the task.

GENERAL LEAVE

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all Members who may desire to do so and who have not had an opportunity to speak on this legislation, may be permitted to insert their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The question now recurs on the substitute amendment offered by the gentleman from Ohio (Mr. AYRES), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. AYRES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. AYRES and Mr. PERKINS.

The Committee divided, and the tellers reported that three were—ayes 167, noes 183.

So the substitute amendment, as amended, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in——

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GUBSER. Mr. Chairman, reserving the right to object, may I inquire of the gentleman from Kentucky if he intends to close off debate and the opportunity to offer amendments?

Mr. PERKINS. Let me say to my distinguished friend, we want to close this thing out tonight.

Mr. GUBSER. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue to read.

The Clerk read as follows:

such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu there of "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Oportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amended by section 102 of this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broaded career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and batterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, education procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provision of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family gackgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be alloted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraphs (1) and (2) thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve

extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designated to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 502. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 503. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

Mr. PERKINS. Mr. Chairman, I renew my request. I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, every Member realizes that we are considering a very important bill. It means a great deal to countless millions of human beings in America, human beings like ourselves. The Committee of the Whole has defeated the substitute amendment, an action which I strongly supported. I assume the amendment will be the subject of a motion to recommit. At that time we must keep in mind that the substitute essentially turns control of the entire poverty program over to the States and thereby interposes another level of government. This will slow down assistance to the poor. In so doing the substitute attacks the basic concept of the 1964 law that local communities should identify the causes of poverty in their areas, as the local people know their problems, and also the local communities should design and carry out such programs.

The committee bill calls for a 2-year extension, which President Nixon called for and requested; but it also provides additional funds, authorized funds for, one, Headstart; two, Headstart Follow Through; three, emergency food and medical services; four, Operation Mainstream and New Careers, which relates to manpower programs.

I am sure that everyone here recognizes the justification for these programs that I have just mentioned that are included in the committee bill and for which additional funds are requested.

Under the substitute the State is placed in charge of the Community Action moneys, substituting itself for the local government. The additional money for these programs is $295 million over the substitute.

Practically all church organizations testified in support of an extension of the program and for additional funds, especially in the hunger and medical programs, Operation Mainstream, and New Careers.

The substitute adds three more worthy programs, I will admit, but, the substitute will add, as I understand it, if offered as it was a little while ago, three more programs, but it does not provide additional funds to finance them, which means that programs already in operation would have to suffer a reduction in the allocation of funds and a reduction in the existing programs themselves, those programs being Headstart, emergency food and medical programs, consumer education programs and neighborhood service programs.

So I hope when a motion to recommit is offered, Members will realize what is included in the substitute. It will slow down the program.

Mistakes, yes. We make mistakes in connection with our duties as we look back. But a decided improvement has been made all along, through the time the antipoverty program has been in existence; it is doing a good job and is improving.

I hope that when the substitute is offered on a motion to recommit, the House at that time will defeat the motion to recommit.

AMENDMENT OFFERED BY MR. GUBSER

Mr. GUBSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUBSER: Immediately following section 502, insert the following:

"LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 303. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out 'counseling, education, and other appropriate services' and inserting in lieu thereof 'legal counseling, education in legal matters, and other appropriate legal services'."

And renumber the sections which follow accordingly.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I rise for the purpose of accepting the gentleman's amendment.

Mr. GUBSER. I thank the gentleman for his gracious consideration.

Mr. Chairman, I ask unanimous consent that the section number be renumbered so that I am amending the proper section of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. AYRES. Mr. Chairman, I move to strike the last word.

I realize that everyone is anxious to vote on the bill. I believe it would be proper for me to explain what the motion to recommit will be.

The motion to recommit will be the substitute which was previously offered, including the amendment by the gentleman from Michigan (Mr. ESCH), which was added to the substitute, and any other amendments which were adopted to the substitute.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Ohio yield?

Mr. AYRES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the situation, the motion to recommit will be the Ayres substitute, with the Esch amendment, and the Gubser amendment. In addition, it would include, as I understand it, the amendment offered by the gentleman from Missouri (Mr. RANDALL).

Let me add this, if I may, Mr. Chairman: If the substitute is not approved on a rollcall vote—and of course there will be one—then we will have a choice to vote for or against the committee version which, as I recollect, is the dollar recommendation of the Nixon administration plus $300 million extra.

I say to some of my friends on this side of the aisle, if you want to end up adding $300 million to the budget recommendation of the administration I hope you do it with your eyes wide open. It seems to me the better approach is to accept the substitute with the amendments that were included when the Committee of the Whole was working its will.

I therefore urge most strongly that the motion to recommit be approved, which is the dollar amount recommended by the President. In the final analysis, analyze where you are if the motion to recommit is disapproved.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from California (Mr. GUBSER).

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope that we may be able to vote in a very few minutes. I am most hopeful that we will be able to vote down the motion to recommit.

The action taken here in the last hour displays that little thought had been given to this substitute. There is no protection in the substitute for a local community, for a municipality, for a local community action agency. They cannot opt out of a State plan. If they do there is no funding available for their program.

Now, if you will remember, under section 253 any State which has in operation a State development and coordination program the State plan covers all community action programs and most title II money will be disbursed in accordance with the State plan. In my judgment this will destroy initiative at the local level.

A local community action agency can be completely ignored. As I stated earlier there is much more sense in placing the cities in charge of this program than putting the States in charge under the pretense of coordination. The priorities of local officials and members of the community may be thrown in the waste paper basket at the State level if such priorities are in conflict with the State plan.

Mr. Chairman, this House should vote against this substitute because if we do not we may do terrific damage to the ghetto areas of the country. Poor rural areas will never have a voice. In other words, there is no meaningful opt out for a poor community in this substitute anywhere. There is no opting out, and I know the sponsors of the substitute will not contend that there is any opting out since most title II funds will only be available for programs in the State plan.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

(Mr. CAREY asked and was given permission to revise and extend his remarks.)

Mr. CAREY. Mr. Chairman, the gentleman from Kentucky is making a very important statement and I want him to confirm my judgment in regard to what was said by the distinguished minority leader with regard to the money contained in this bill and the Nixon program and the budget estimates of the Nixon administration.

I am sure that the distinguished minority leader did not intend to mislead this Committee by indicating there was $300 million in this bill in addition and that the substitute was in accordance with the Nixon budget estimates.

I know that the gentleman from Kentucky will agree with me that there are three new programs contained in the substitute, none of which have been priced out. There is the emergency food and medical services. Operation Mainstream, and New Careers as well as Headstart and Follow Through which involve millions and millions more. So, this could be a $1 billion additional authorization on an open-ended basis with no price tag and, therefore, we do not know what the ultimate cost will be.

Mr. PERKINS. That is correct. Let me say to the minority leader that we added $188 million for Headstart and Follow Through, because we are currently taking care of only 10 percent of the poor children in the Nation today. For the hunger and malnutrition and medical services program, we added $62 million. For New Careers and for Mainstream which provides jobs and training for the hard-core unemployed, we added $54 million.

If we vote for this motion to recommit, we are voting against the advice of the administration and we are voting against the hard-core unemployed and the little children who desperately need child-development services. We must vote down the motion to recommit.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished Speaker.

Mr. McCORMACK. I am very sorry to hear the argument made by my dear friend from Michigan, the distinguished minority leader, because it brought back many memories of great fights in this body in years gone by where the basic issue was money values versus human values.

The gentleman from New York (Mr. CAREY) has shown that the substitute actually reduces the authorization by establishing three more worthy programs, but not provided for in the financing which would have to be taken out of the existing programs.

So, the real basic issue here, regardless of what my friend from Michigan has said, is materialism versus idealism and money values against human values.

Mrs. GREEN or Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have felt very strongly that there are many, many things wrong with the present OEO—the so-called War on Poverty and I have fought for changes that I believe should be made in the program, not on the basis that I am against the poor, but rather than I am in favor of the money going to the poor instead of to big corporations—to those who benefit financially—to those who benefit by retaining the status quo.

Mr. Chairman, I am not going to speak long tonight, but I do believe that the record ought to at least reflect what is accurate and what is truthful about the substitute bill.

First of all, under the present legislation a State can be a community action agency. That is the law at the present time. It has been violated by the Office of Economic Opportunity. If the law were enforced any State today that wanted to could be designated as a community action agency, and it would have total authority over all programs, over all policies, and over all funding, everything that could be done under the substitute bill. I cannot believe that the legislative branch charged with writing the laws is going to give a vote of confidence to an agency that repeals the law by guidelines and regulation. Even though you may have voted against the amendment and the bill in 1967—surely you do not give your blessing to an executive branch agency that refuses to follow the law. If so, we embark upon a new era in Government.

The statement has been made over and over that a city cannot opt out. That simply is not true. But those who repeat it must have taken their line from Alice in Wonderland: "What I tell you three times is so." If there is a State community action agency a city can opt out the same as they can at the present time. There was no change in that, and I think the record should present the true facts on it.

In terms of the new programs, I regret very much that these new programs were not included. I think it is actually disgraceful in the United States today that we have, according to the estimates—in writing to the 50 States—about 10,000 families of GI's who are living below the poverty level. We pay money—all kinds of money in the poverty program to finance people who are not half as deserving. We have paid money to people who have demonstrated in the streets, who have made threats, who have contributed to violence. I think the families of the GI's—GI's who are in Vietnam or other places, who do not have the rights of the veterans because they are not veterans, should be taken care of, and we make no provision for these families. In the substitute bill—we direct OEO to pay the difference between what that family now has and the amount to bring them up to the poverty level. The estimates are that there are about 10,000 families. This might cost $10 million. But if it were to cost 50 million, we could spend it better this way than the money that goes to private corporations, a half billion dollars. From this saving, we would certainly be able to pay for these cash amounts to families of veterans.

Then we have heard so much in the House in the last 2 days about the elderly—about the inadequate social security payments, and we simply said as a pilot project that we would take those elderly people over 65 who are below the poverty level that the Government itself sets, and we would give them the amount to bring them up to that poverty level. It would be given on the basis of their needs, not on the basis of every social security recipient.

The third program which we suggest was the amendment which is in the Senate bill which will go to conference anyhow, that was offered by Senator HUGHES of Iowa, that would provide for an alcoholic program. I do not know of any single thing that has impoverished more Americans today than the question of alcoholism.

These are the three programs that we felt needed the funds. That we could save money, that money which is going to the private profitmaking corporations, that was spent on the Blackstone Rangers in Chicago, the Black Panthers in Cleveland, and a lot of other groups who are able bodied and who could get out and work. If we are really concerned about poverty, if we mean what we say—these are three areas where poverty funds could and should be spent.

It is for these reasons, Mr. Chairman,

that I rise, simply to set the record straight. The substitute is not an effort to dismantle the Office of Economic Opportunity, but it is rather an effort to coordinate the programs, to take all of the multitudinous programs that we have in the Federal and State Governments, and to give people at the State level a chance to coordinate those programs so that the money would go where it would do the most good.

The other amendments on preventing political activity by OEO employees, putting a stop to nepotism—putting a stop to paying dues to lobby organizations out of Federal funds—these you know are part of the substitute. The opportunity presents itself to make meaningful changes—stop the abuses or continue for 2 more years what has become a disgraceful program.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

[Mr. QUIE addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 16, line 10, after the period insert:

"SEC. 504. Notwithstanding any other provision of this bill the total expenditures authorized for programs authorized in their bill shall not exceed $2,048,000,000."

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is perhaps not what I would like to have offered.

I would prefer to offer an amendment striking all that was added by the committee.

What this amendment does and what its effect is intended to be is to reduce the level of expenditures authorized in the committee bill by $295 million.

The adoption of the amendment would put the bill back in the form recommended by the Nixon administration, and agreed to by the distinguished gentleman from Kentucky, the chairman of the committee who is a cosponsor of the bill, H.R. 12321, and myself, and the gentleman from Michigan (Mr. GERALD R. FORD), the Director of the OEO and others, at a level of $2,048,000,000.

I made it clear and I say again to the Committee, it is always difficult to justify going beyond the expenditure level recommended by the administration—and I opposed reporting this bill on that basis because of all the additional funds and new programs.

If this amendment is adopted, it seems to me we clear the air and we put the committee bill back in the posture that it was prior to the additions of $295 million. I think it would give a chance to the House to work its will in a way that will enable us to preserve the agency and its integrity, and to preserve the action of the House, the budget and the posture of the administration in this instance.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. What the gentleman is really doing is taking recognition of the facts that exist. There was no money in the HEW appropriation bill that passed the House. The Senate has marked up the bill. They put in $1.948 billion. Therefore, under the rules that is the most money that the conferees can agree upon for this year, anyway. So what you are really doing is recognizing the facts of life. We could put $5 billion into this authorization, but under our procedures here, we cannot appropriate that kind of money. You are just recognizing the facts.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's contribution.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I, too, wish to commend the gentleman who is in the well for offering an amendment that I think is in keeping with fiscal responsibility. We have heard over and over again that the brunt of inflation is always borne by the poor. I think even in this instance, where I support our Director and his program, in view of the fact that we are almost 6 months into the present fiscal year and due to an inflationary condition in the country, I would hope that Members on both sides of the aisle will join in supporting what I think is a highly responsible effort.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's contribution and his support of the amendment.

Mr. HAWKINS. Mr. Chairman, I move to strike out the requisite number of words.

I hope it is realized what this amendment is doing. You may talk about inflation. But it seems to me that we should not ask the poor people of this Nation to pay for the prosperity of some of us. Since January of this year 350,000 persons have lost their jobs. Since June of last year more than 1 million cases have been added to the welfare rolls. What you are doing, if you do not accept the committee bill, you are then saying to the poor people of this country, "You alone should bear the cost of trying to maintain price stability." By this amendment you will say to 175,000 children in Headstart, "You will not have an opportunity in life to get a decent education." And also to 62,000 Follow Through, "We are going to cut you off." You will reduce the amount of emergency food and medical attention by $75 million to merely $17 million. You will say then to 15 million starving Americans, "We do not care anything about you."

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I have great respect for the gentleman in the well, but I think it would be totally unfair and completely wrong to characterize an amendment of this kind, which reduces something which has not been available before, as a barrier to opportunity. As the gentleman from Iowa (Mr. SMITH) pointed out, the budget level will be even below the $2.048 billion provided. That is what Congress will appropriate. Let us not go through the charade of saying that we are taking things out of the mouths of children when they never had it in the first place.

Mr. HAWKINS. That is not true. In a change of policy adopted by this administration since the first of this year the Headstart project has been changed so that the summer programs are not now available, and the amount of money which will then be available will mean, unless extra money is appropriated, that this number, 175,000 children, will not have slots in that program. And to say, as you do, if we do not appropriate the money, then you have done no harm, but how in the world can you, in spite of the need, the demonstrated need, since the first of this year—and conditions are not as good this year as they were last year—how can you say then, with a greater need, that we should now authorize less than was authorized 2 years ago?

That is a fact, and that is what your amendment is doing. Now, if you want to do that, then I go back to what the Speaker has already said. You are voting not for human rights; you are voting for so-called price stability. I agree we should fight inflation, but I say at the time we fight inflation let us have some special programs to take care of those who will be injured by the economic policies that are now operating under this administration, and I say started under the past administration, so it is not a partisan issue. It is a fact that we are worse off today and that consequently we should vote more money and certainly not less money.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Florida.

Mr. GIBBONS. I think the gentleman well knows that there are 25 million poor people in this country. We are authorizing roughly $2 billion. That works out to a grand total of 21 cents a day for those people. I think we can afford to do a little better than that. Does not the gentleman think so?

Mr. HAWKINS. If we cannot, then we certainly should not be talking about sending planes to China.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 93, noes 111.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 16 after line 10 insert the following:

"AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

"SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"'(9) A "Narcotic Addict Recovery" program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders.'"

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

(Mr. WHITE asked and was given permission to revise and extend his remarks.)

Mr. WHITE. Mr. Chairman, this amendment would provide a narcotic addict recovery program on a community base and with community participation. Institutional treatment of narcotic addiction poses two problems:

First. Institutional treatment facilities are very overcrowded and cannot handle even the known addicts.

Second. Institutional addiction treatment facilities that are removed from the addict's community cannot adequately prepare the addict for the stresses he experiences upon return to his community.

The program would provide a variety of supportive services for the addict while he was awaiting assignment to a treatment facility and when he returns from one.

The utilization of community persons and former addicts will bring persons known and familiar to the addict in contact with him. This familiarity will inspire trust by the addict—a trust that officials from "downtown" have difficulty inspiring.

Involvement of community persons in the problems of addiction in their own community will serve as an educational and prevention program. In many low-income communities, narcotics addiction is a problem that affects almost every family. Involvement of the community in the treatment of addicts can alert them both to the dangers of narcotics—of which the adults, if not the youth, are aware—and, most important, that addiction can be prevented and that they can help. Families in low-income communities often feel helpless before the threat of narcotics addiction in their neighborhoods. This program would allow them to take effective action.

This program, since it is OEO, would be restricted largely to low-income neighborhoods, where the problem of "hard-core" narcotics is centered.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield?

Mr. WHITE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me state to the distinguished gentleman from Texas that his amendment was accepted a few moments ago to the substitute, and I do not know of any objection from this side of the aisle to the gentleman's amendment, and it will be accepted.

Mr. WHITE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that we have concluded, or about concluded, the debate on this very important bill. It has been a splendid debate.

I must say, as the majority whip, I have been very proud to see the large attendance of Members on the floor on both sides of the aisle.

Soon we will be confronted with voting again on the substitute offered earlier here today and defeated in the Committee by a teller vote. That vote may be very close. I sincerely hope that the motion to recommit will be defeated in the full House as the substitute as defeated in the Committee a moment ago.

To change now a program which is only beginning to be felt and change its national impact would in my judgment be the height of folly.

Mr. Chairman, it is my contention that those who support the committee are actually lending support to the President in that he has come into this body and selected one of our most able younger Members on the Republican side of the aisle and asked him to head up the program. At the time of his appointment the President announced that he would have Cabinet status.

I cannot believe that a few months thereafter we will, in effect, turn back the clock and scuttle a program which, whether you believe it or not, has been tremendously helpful to the poor people of this country. I can only speak from experience. I have the great privilege of representing one of the large cities in the South, a city which has a very diversified populaion and a long history, but a city which also has the same problems that every other large city in this Nation is confronted with; namely, the tremendous increase, particularly in the inner city, of people who unfortunately are not skilled, not trained and in many instances with no education at all.

Now, since we have adopted this program, men and women have gone into the poor areas of my city with the Head-start program where we had children who could not articulate the simplest words in the English language at ages 5 and 6 but where we brought them in and taught them and in a matter of several years made them a part of the community where they could function.

The community action programs have been most successful in my city, a Southern city, and headed up by men and women of dedication and not people who are corrupt or scheming or graspy or greedy and who try to live as octopuses on the body politic. They are dedicated people trying to do a job for their fellow citizens.

Mr. Chairman, I do not think we ought to make a mistake about what we do here today. I do not think we ought to sail under any false colors. If we vote to dismantle this program now we are saying to the millions and millions of disadvantaged citizens of our country of all types and backgrounds that we have indeed turned our backs on you and we have left you to do as best you can in this highly complex, violent, and complex society in which we live.

Mr. Chairman, I trust that the motion to recommit will be defeated.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12321) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, pursuant to House Resolution 734, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. AYRES

Mr. AYRES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. AYRES. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. AYERS moves to recommit the bill H.R. 12321 to the Committee on Education and Labor, with instructions that it be reported back forthwith, with all after the enacting clause struck out, and the following substitute inserted in lieu thereof:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969."

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated $2,048,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in

lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—STATE PARTICIPATION IN ANTIPOVERTY PROGRAMS

SEC. 201. Title II of the Economic Opportunity Act of 1964 is amended by striking out section 231 (relating to "State Agency Assistance") and by inserting at the end of the title a new part, as follows:

"PART E—PARTICIPATION OF STATES

"STATEMENT OF PURPOSE

"SEC. 250. It is the purpose of this part to provide an effective mechanism for the positive involvement of State officers, agencies, and administrative resources in the development, carrying out, and coordination of antipoverty programs within each State, but only if and to the extent a State exercises the options set forth in this part. Accordingly, no State shall be required to establish a State Economic Opportunity Office described in section 251, or to take the further actions outlined in this part, as a condition for the support of programs under this Act in the State. In the event a State shall not choose to participate in the manner provided in this part, or is unable to satisfy the requirements for such participation set forth in this part, the Director shall continue to support eligibie programs and projects in such State. However, the Director shall take every appropriate action to encourage effective State participation under this part in accordance with the finding of the Congress that such participation will strengthen the programs authorized by this Act.

"STATE AGENCY ASSISTANCE

"SEC. 251. (a) The Director shall provide financial assistance to the State Economic Opportunity Office (hereinafter referred to as the 'State Office') designated in accordance with State law, to enable such agency—

"(1) to advise the Governor of the State with respect to the policies and programs of the Office of Economic Opportunity and other resources available to combat poverty within the State, and at the request of the Governor to advise and assist him in carrying out his responsibiilities under this Act;

"(2) to assist in coordinating State activities related to this title and to title VIII;

"(3) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title and under title VIII;

"(4) to evaluate programs assisted under this title and under title VIII with a view to improving the capacity of their sponsors to fulfill the purposes of this Act and to utilize with maximum efficiency the financial assistance provided;

"(5) to evaluate State poverty-related programs and State administrative procedures and to develop mechanisms for making them more responsive to the needs of the poor;

"(6) to conduct financial audits of programs within the State supported under this title or under title VIII, at such times and in such a manner as to promote responsible financial management of such programs;

"(7) to mobiiize and develop avaiiable resources at the State level needed to assist antipoverty measures within the State;

"(8) to encourage the development of career opportunities for the poor within agencies of State government;

"(9) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies under this Act; and

"(10) to advise and assist the Director, the Economic Opportunity Council established by section 631 of this Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede effective State involvement in or coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) The Director shall take steps as will assure that:

"(1) all applications for assistance under this title and under title VIII within a State are submitted through the State Office, and that the Office is afforded a reasonable opportunity (but not to exceed 30 days) to review such applications before transmitting them to the Director (or to his delegate) with such comments and recommendations as the State may deem appropriate;

"(2) each State Office receives advance notice of the proposed approval of any application for assistance or of the proposed funding in the State of any program, project, or other activity under any other title in this Act, and is afforded a reasonable opportunity to comment upon such proposed approval or funding; and

"(3) each State Office receives such other information and technical assistance, and is afforded such other opportunities to play an affirmative role in the programs financed under this Act, as may be required to carry out effectively the functions specified in subsection (a).

"(c)(1) Whenever a State Office (with the concurrence of the Governor) shall recommend against the approval of an application submitted under subsection (b)(1), such application shall not be approved (or shall not be approved without changes suggested by the State Office (for funding under this title unless the Director shall have made a finding that approval of such application would strengthen the overall porgram plan of a local community action agency; or with respect to applications submitted by other eligible applicants, that the approval of such application would be in furtherance of the purposes of this Act.

"(2) The Director shall not delegate the responsibility for making the finding required in paragraph (1) except to the heads of other federal agencies, and he shall not make such finding without having first afforded the State Office notice and opportunity for a hearing.

"(d) In any grants to or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the State Offices established under subsection (a), or which have been developed by and will be carried on with the assistance of those Offices.

"(e) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this Act.

"STATE ECONOMIC OPPORTUNITY COUNCIL

"SEC. 252. (a) Any State which desires to participate in the development and carrying out of a State developmental and coordinating program for rural and urban community action, as provided by section 253, shall establish a State Economic Opportunity Council (hereinaftcr referred to as the 'State Council'), appointed by the Governor, which shall be broadly representative of the economic, educational, health, religious, and social services resources of the State and of the public, including persons representative of—

"(1) urban areas;

"(2) rural areas;

"(3) the poor (including representatives both of the urban and rural poor and of racial and ethnic groups in the State which experience a high incidence of poverty);

"(4) business, industry, and iabor;

"(5) elected municipal officials;

"(6) elected county officials;

"(7) federally-assisted programs, such as Model Cities and manpower training, related to the problems of the poor; and

"(8) fields of professional competence (including both public and private education) in dealing with the problems of poverty.

"(b) The State Council shall advise the State Office on the development of and policy matters arising in the administration of the State developmental and coordinating programs submitted pursuant to section 253, and shall evaluate the programs, services, and activities assisted under this title and make a public report (at least annually) of the results of such evaluations.

"(c) The State Council shall prepare a long-range program plan (or, as may be appropriate from time to time, revisions of or supplements to such plan) for use of funds under sections 221 and 222 and title VIII of this Act which plan (1) is prepared in consultation with the the State Office, (2) extends over a period of not less than five years and (3) taking into consideration available resources, sets forth a program of action which, in the judgment of the Council, would assure substantial progress toward achievement of the objectives of the plan.

"(d) From the sums appropriated under the authority of this Act for any fiscal year the Director shall (in accordance with regulations) pay to each State Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this part in such fiscal year, except that the amount available for such purpose shall not exceed $150,000 and shall not be less than $50,000.

"STATE DEVELOPMENTAL AND COORDINATION PROGRAMS

"SEC. 253. (a) Any State desiring to carry out a developmental and coordination program for urban and rural community action shall submit to the Director (at such time and in such detail as he may specify and containing such information as he may deem necessary) an outline for such a program which—

"(1) has been prepared by the State Office in consultation with the State Council of that State and has been approved by the State Council;

"(2) designates the State Office as the sole agency for administration of the State program, or for supervision of the administration thereof by local community action agencies;

"(3) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local community action agencies in the State and for the uses of such funds for the various programs and program components specified in sections 221 and 222, which policies and procedures assure that—

"(A) due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director; and

"(B) due consideration will be given to periodic evaluations of programs, scrvices, and activities assisted under this titie;

"(4) describes how the activities and projects to be carried out under the program are related to the long-range program plan developed by the State Council pursuant to sction 251(c) (except that such requirement may be waived during the first year the program is in operation);

"(5) sets forth policies and procedurcs satisfactory to the Director for approval of applications for assistance under sections 221 and 222 of this title and under titie VIII submitted by local community action agencies and other qualified applicants, and for the evaluation, review, and monitoring of

the program conducted by such applicants (including procedures to assure that such programs conform to the requirements of this Act);

"(6) sets forth procedures designed to improve the coordination of programs funded under this part with State-administered programs affecting the poor;

"(7) provides that any community action agency, or other public or private agency which is a qualified applicant for program assistance under this title, dissatisfied with a final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a public hearing by the State Office;

"(8) provides assurances that federal funds made available under this part will be so used as to supplement, and to the extent possible increase the amount of State, local, and private funds that would in the absence of federal funds be made available for programs supported under this part, and in no case supplant such State, local, and private funds;

"(9) provides assurances satisfactory to the Director that all relevant requirements of this Act shall be complied with, and provides for making such reports in such form and containing such information and affording such access thereto as the Director may reasonably require to carry out his functions under this Act; and

"(10) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, federal funds paid to the State (including such funds paid by the State to qualified applicants) under this title.

"(b)(1) The Director shall by regulation establish criteria for approval of State developmental and coordination programs submitted pursuant to subsection (a), and when he finds that such a program complies with such criteria and the requirements of this part and when he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such program will be carried out, he shall approve such program, and the Director shall not finally disapprove any program submitted.

"(2) The Director shall take such steps as he deems necessary to assure that in the formulation and carrying out of State programs there is close liaison between the State offices and the Office of Economic Opportunity.

"(3) The Director shall take final action to approve or disapprove a State developmental and coordination program submitted under subsection (a) within ninety days after the date of its submission (or resubmission in the event it should have been withdrawn by the State), and he may not delegate the authority to approve or disapprove such programs to any other person.

"(c)(1) For any fiscal year in which any State has in operation a State developmental and coordination program approved in accordance with this part the Director shall make available to such State for carrying out the approved program the sums allotted to such State for such year under section 225(a) and (b); *Provided, however,* That, until June 30, 1971, the Director may reserve not more than one-fourth such amount, to assist (in accordance with the provisions of this title) activities and projects in such State which are not funded under the State program, but only if the Director has determined that the failure to support such activities and projects during the period in which he may reserve funds would result in a substantial disruption of efforts directed toward the elimination of poverty in such State, or that it is necessary to assist programs authorized under section 222 of this Act.

"(2) The Director shall pay, from the amount available to the State for assistance under this part, to each State the amount required to pay the Federal share of carrying out activities and projects under the approved State program, and for administration of the State program (except that sums paid for State administration shall not exceed five per centum of the amount available to the State for assistance under this title in any fiscal year), and such payments may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(3) The term "State administration" in paragraph (2) means those costs attributable to the supervision, auditing, coordination, and servicing of activities carried out under this part or to the provision of technical services (including the training of personnel needed to provide such services), and similar costs related to carrying out an approved State program, but shall not include the costs of State operation of a substantive program authorized by this Act.

"(d)(1) Whenever the Director, after reasonable notice and opportunity for hearing to the State Office administering a State program approved under subsection (a), finds that—

"(A) the State program has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the program there is a failure to comply substantially with any such provision, the Director shall notify such State Office that no further payments will be made to the State under the State program (or, in his discretion, that further payments to the State under the program will be limited to activities under or portions of such program not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Director shall support eligible community action and VISTA volunteer programs in such State in accordance with other provisions of this title (except that he may support those activities under or portions of the State program not affected by such failure).

"(2) A State Office which is dissatisfied with a final action of the Director under this subsection or subsection (b) may appeal to the United State Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director, or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in secton 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Director may modify or set aside his action. The findings of the Director as to the facts, if supported by substantive evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

"EXEMPTION OF HEADSTART PROGRAMS

"SEC. 254. The Secretary of Health, Education, and Welfare (during any period in which he has been delegated responsibility for the administration of those programs authorized under section 222(a)(1) and 222(a)(2) of this Act) may exempt such programs from inclusion under the provisions of this part (either generally or with respect to inclusion in the program approved for a particular State)".

TITLE III—TECHNICAL AND PERFECTING AMENDMENTS

PART A—AMENDMENTS TO TITLE II ("COMMUNITY ACTION")

COMPOSITION OF COMMUNITY ACTION AGENCIES

SEC. 301. Section 211 of the Economic Opportunity Act of 1964 is amended as follows:

(1) Clause (3) of subsection (b) is amended to read—

"(3) the remainder of the members (which shall consist of not less than one-quarter of the total membership of such board) are appointed by the elected public officials who serve on or have representatives serving on the board, and are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the comunity."; and

(2) the first sentence of subsection (c) is amended to read—

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such boards, council, or agency shall be broadly representative of such area, and it shall be so constituted as to assure that at least one-third of the members are public officials, appointed by the elected public officials who serve (or appoint representatives to serve) on the board of the community action agency, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the subsidiary board."

COSTS OF DEFENDING LAW SUITS

SEC. 302. Section 222(a) of such Act is amended by adding to paragraph (3) (relating to "Legal Services") the following:

"Whenever a lawsuit or other legal action is initiated by a plaintiff or plaintiffs with assistance under this program, and such action results in a verdict or other outcome favorable to the defendant in such lawsuit or other legal action, and the United States shall be liable for such costs (to be paid out of funds made available for the Legal Services program) as are ordered in accordance with the law of the jurisdiction, by the court or other board or agency which has jurisdiction of the matter, the same as a private person."

LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 303. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

(b) The fourth sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting "(A)" after "this part) shall be utilized" and by inserting before the period at the end thereof the following: ", or (B) for any activity not directly related to the provision of services referred to in the first sentence of this paragraph and litigation on behalf of specific clients shall be conducted in accordance with the canons of professional ethics of the American Bar Association."

APPLICABILITY OF CANONS OF ETHICS IN LEGAL SERVICES PROGRAMS

(c) The second sentence of section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by inserting "(A)" after "assures" and by inserting before the period at the end thereof the following: ", and (B) that the Canons of Professional Ethics promulgated by the American Bar Association will be complied with".

(b) Section 222(a)(3) of such Act is further amended by adding at the end thereof the following: "The Director of the Administrative Office of the United States Courts shall receive any complaints or allegations which may be made concerning the conduct of programs under the second sentence of this paragraph, insofar as they relate to matters involving subject matter cognizable by the courts of the United States. The Director of such Office shall make an annual summary of such complaints or allegations, which shall be objective in character and without evaluation or comment. Such summaries shall be available upon request to a committee of the Senate or House of Representatives, and shall, at least once each year, be submitted to the Senate and House of Representatives."

AUTHORIZATION OF ALCOHOLIC RECOVERY PROGRAM

SEC. 304. Section 222(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) An 'Alcoholic Recovery' program designed to discover and bring about treatment for the disease of alcoholism. Such a program shall be community based, serve the objective of maintaining the family structure as well as recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as program workers and emphasize the reentry of alcoholics into society rather than the institutionalization of alcoholics. Such a program shall also emphasize the coordination and full utilization of existing appropriate community services which pertain to the treatment of alcoholism and/or related disorders."

SPECIAL ASSISTANCE TO FAMILIES OF MEMBERS OF ARMED FORCES IN HARDSHIP CASES; PILOT PROJECTS OF ASSISTANCE FOR THE ELDERLY POOR

SEC. 305. Section 232 of such Act is amended by adding at the end thereof the following new subsections:

"(g) The Director shall conduct projects, either directly or through grants or other arrangements, under which funds available under this section will be used to raise the income levels of families of members of the Armed Forces, when such families reside in the United States and through exceptional circumstances have an income level below the poverty level (as determined by the Director), and preference shall be given to cases of greatest hardship. Projects under this subsection shall be developed jointly by the Director and the Secretary of Defense.

"(h) The Director shall also conduct, either directly or through grants or other arrangements, pilot projects under which funds available under this section will be used to raise the income levels of persons over 65 years of age above the poverty level (as determined by the Director), with preference given to cases of exceptional hardship, in order to examine and evaluate systems of income maintenance for the elderly poor as an alternative to welfare assistance."

TECHNICAL AMENDMENT OF GOVERNOR'S VETO PROVISION

SEC. 306. Section 242 of such Act is amended by striking out the period at the end of the first sentence and inserting: "; *Provided, however,* That this section shall not apply with respect to any application which the State Office has recommended not be approved under section 251(c)(1)."

AUTHORIZATION OF STATE AUDIT

SEC. 307. Section 243 of such Act is amended by adding a new subsection as follows:

"(e) The Director shall take such steps as may be necessary to insure that programs assisted under this title shall be subject to financial audit by appropriate State officials and agencies at the request of such officials and agencies, and he shall direct the governing board of such community action agency to cooperate in carrying out such audits."

PART B—AMENDMENTS TO TITLE VI (ADMINISTRATION)

PROHIBITION OF POLITICAL ACTIVITY STRENGTHENED

SEC. 321. Section 603(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(a) For purposes of chapter 15 of title 5 of the United States Code any overall community action agency which assumes responsibility for planning, developing, and coordinating communitywide antipoverty programs, or any agency assuming part or all of such responsibilities (including the administration of components of a community action program) under delegation from an overall community action agency, and receives assistance under this Act, shall be deemed to be a State or local agency."

ANTIRIOT PROVISION STRENGTHENED

SEC. 322. Section 613 of such Act is amended to read as follows:

"SEC. 613. No individual employed or assigned by any community action agency or any other agency assisted under this Act shall (whether or not pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act) plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance, and the Director shall take such steps as may be necessary to assure that any individual who violates this provision is removed from his employment or assignment in programs conducted or assisted under this Act."

PROHIBITIONS ON UPWARD BOUND PROGRAMS

SEC. 323. Section 621 of such Act is amended by inserting "(a) after "SEC. 621," and by adding at the end thereof the following new subsection:

"(b) The Director shall give full effect to the intent of Congress that 'Upward Bound' programs, however described, shall be administered by the Commissioner of Education, and the Director shall not carry out or fund any program described in section 222(a)(5) (as in effect on June 30, 1969), or any comparable program, whether under the authority of that section or any other section of this Act, and whether or not carried on by or in a school, institution of higher education, penal or correctional institution, or any other agency or institution."

SEC. 324. Title VI of such Act is further amended by adding at the end of Part A the following new subsections:

"EVALUATION OF PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY

"SEC. 622. (a) The Director shall—

"(1) at the time of entering into any contract or arrangement with nongovernmental organizations or individuals for the evaluation of programs or projects administered by him under this Act, or entering into any substantial modification of any existing such contract or arrangement, furnish to the Comptroller General of the United States a copy of the contract or modification thereof or a description of the arrangement or modification thereof, together with a statement of the bases upon which he considers the evaluation work involved and the estimated cost thereof justified, and upon which he has determined that it was necessary to contract or arrange with a nongovernmental organization or individual for its performance;

"(2) require each community action agency designated under section 201 of this Act, to advise him of each contract or arrangement entered into by it with nongovernmental organizations or individuals for the evaluation of programs or projects administered by it under this Act, including information regarding the purpose, cost, scope, evaluation methodology, and organizations or individuals involved in such contract or arrangement; and

"(3) furnish to the Comptroller General of the United States at the end of each calendar quarter a listing of all contracts or arrangements reported to him in accordance with paragraph (2) of this subsection during such calendar quarter, including identification of the program or project, the organization or individual, and the cost involved in each contract or arrangement.

"(b) The Comptroller General shall conduct evaluations of programs carried out under this Act, and upon request by a committee of the Congress, or to the extent personnel are available, by Members of Congress shall (1) conduct studies of existing statutes and regulations governing programs carried on under this Act, (2) review the policies and practices of Federal agencies administering such programs, (3) review the evaluation procedures adopted by such agencies carrying out such programs, (4) initiate evaluation projects of particular programs, and (5) compile data necessary to carry out the preceding functions.

"(c) In carrying out the studies and evaluations herein authorized, the Comptroller General shall give particular attention to the practice of the Office of Economic Opportunity and of community action agencies designated under Section 201 of this Act of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration), and shall report to the Director and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in achieving the objectives of this Act.

"(d) The Comptroller General or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this Act.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of these sections.

"PREVENTION OF CONFLICTS OF INTEREST

"SEC. 623. The Director shall issue regulations and take such other steps as may be necessary to assure that the Office of Economic Opportunity (or any other agency utilizing funds appropriated under the authority of this Act) shall not contract with, make a grant to, or enter into any other type of financial arrangement with, any individual who has been an officer or employee of the Office of Economic Opportunity or any other agency of the executive branch of the United States Government which administers funds appropriated under the authority of this Act (or with a partner of such individual, or with a firm or business organization in which such individual holds a substantial financial interest or in which he serves as an officer), within one year after such employment, for any service or activity (other than reemployment as an officer or employee of a department or agency of the United States Government) in which such person participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the

rendering of advice, investigation, or otherwise.

"PAYMENT OF DUES PROHIBITED

"SEC. 624. No funds appropriated under the authority of this Act shall be used for or on behalf of any person, organization, or agency to make any payment in the nature of dues or membership fees in any public or private organization or association.

"NEPOTISM PROHIBITED

"SEC. 625. No person shall be employed (or continue in employment) with funds appropriated under the authority of this Act in a position (1) over which a member of his immediate family exercises supervisory authority, or (2) while he or a member of his immediate family serves on a board or committee which has authority to order personal actions affecting such position, or (3) while he or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for the agency or program in which such position is located. For the purposes of this section, a member of an immediate family shall include any of the following persons: husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

PART C—AMENDMENTS TO TITLE VIII ("VISTA")

RESTRUCTURING ADMINISTRATION OF PROGRAM

SEC. 331. Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out that part of the first sentence which precedes the numbered paragraphs and by inserting in lieu thereof the following:

"The Director is authorized to make grants to State and local public agencies to recruit, select, train, and assign persons to serve in full-time volunteer programs. Such programs shall be those established by the grantee agency or (upon satisfactory assurance that the work of such volunteers will be supervised by competent individuals) by other public agencies or private nonprofit organizations, which involve the assignment of volunteers to work—"

ASSISTANCE IN LEGAL SERVICES PROGRAMS

SEC. 332. Section 834 of such Act is amended by inserting at the end thereof a new subsection, as follows:

"(f) Persons serving as volunteers under this title shall provide legal services or legal counsel only as a part of a legal services program (and at the request and under the supervision of the directors of such program) supported under section 222(a)(3) of this Act."

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 504. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objectives of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with, and that it be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 231, not voting 39, as follows:

[Roll No. 320]

YEAS—163

Abernethy	Erlenborn	Mayne
Adair	Eshleman	Meskill
Andrews, Ala.	Fisher	Michel
Arends	Flowers	Miller, Ohio
Ayres	Flynt	Mizell
Baring	Ford, Gerald R.	Montgomery
Beall, Md.	Foreman	Myers
Belcher	Fountain	Nelsen
Bennett	Frey	Nichols
Betts	Fuqua	O'Neal, Ga.
Bevill	Galifianakis	Passman
Blackburn	Gettys	Pettis
Blanton	Giaimo	Poage
Bow	Goldwater	Poff
Bray	Goodling	Price, Tex.
Brinkley	Green, Oreg.	Purcell
Brock	Griffin	Quie
Broomfield	Gross	Quillen
Brotzman	Grover	Randall
Broyhill, N.C.	Gubser	Rarick
Broyhill, Va.	Hagan	Reid, Ill.
Buchanan	Haley	Rhodes
Burke, Fla.	Hammer-schmidt	Rivers
Burleson, Tex.	Harsha	Roberts
Burton, Utah	Hastings	Rogers, Fla.
Bush	Henderson	Roth
Byrnes, Wis.	Hogan	Roudebush
Cabell	Hull	Ruth
Caffery	Hunt	Sandman
Camp	Hutchinson	Satterfield
Chamberlain	Ichord	Schadeberg
Chappell	Jarman	Scherle
Clancy	Johnson, Pa.	Scott
Clausen, Don H.	Jonas	Sikes
Clawson, Del	Jones, N.C.	Smith, Calif.
Cleveland	King	Springer
Collier	Kleppe	Steiger, Ariz.
Collins	Kuykendall	Stephens
Colmer	Kyl	Stuckey
Cramer	Landgrebe	Talcott
Crane	Landrum	Taylor
Cunningham	Langen	Teague, Calif.
Daniel, Va.	Latta	Teague, Tex.
Davis, Ga.	Lennon	Thompson, Ga.
Davis, Wis.	Lloyd	Thomson, Wis.
Denney	Long, La.	Ullman
Dennis	McClure	Waggonner
Derwinski	McEwen	Wampler
Dickinson	McMillan	Whitten
Dorn	Mann	Wiggins
Dowdy	Marsh	Williams
Downing	Martin	Wold
Duncan	Mathias	Wyman
Edwards, Ala.	May	Zion
		Zwach

NAYS—231

Adams	Brasco	Corbett
Addabbo	Brooks	Corman
Albert	Brown, Mich.	Coughlin
Alexander	Brown, Ohio	Culver
Anderson, Calif.	Burke, Mass.	Daddario
Anderson, Ill.	Burlison, Mo.	Daniels, N.J.
Andrews, N. Dak.	Burton, Calif.	de la Garza
Annunzio	Button	Delaney
Ashley	Byrne, Pa.	Dellenback
Aspinall	Carey	Dent
Barrett	Carter	Diggs
Biaggi	Casey	Dingell
Biester	Celler	Donohue
Bingham	Chisholm	Dulski
Boggs	Clark	Dwyer
Boland	Clay	Eckhardt
Bolling	Cohelan	Edmondson
Brademas	Conable	Edwards, Calif.
	Conte	Edwards, La.
	Conyers	Eilberg
	Esch	Lukens
	Evans, Colo.	McCarthy
	Evins, Tenn.	McClory
	Fallon	McCloskey
	Farbstein	McCulloch
	Felghan	McDade
	Findley	McDonald, Mich.
	Fish	McFall
	Flood	McKneally
	Foley	Macdonald, Mass.
	Ford, William D.	MacGregor
	Fraser	Madden
	Frelinghuysen	Mailliard
	Friedel	Meeds
	Fulton, Pa.	Melcher
	Gallagher	Mikva
	Garmatz	Miller, Calif.
	Gaydos	Mills
	Gibbons	Minish
	Gilbert	Mink
	Gonzalez	Mize
	Gray	Mollohan
	Green, Pa.	Monagan
	Griffiths	Moorhead
	Gude	Morgan
	Halpern	Morse
	Hamilton	Mosher
	Hanley	Moss
	Hanna	Murphy, Ill.
	Hansen, Idaho	Murphy, N.Y.
	Hansen, Wash.	Natcher
	Harrington	Nedzi
	Harvey	Nix
	Hathaway	Obey
	Hawkins	O'Hara
	Hays	O'Konski
	Hechler, W. Va.	Olsen
	Heckler, Mass.	O'Neill, Mass.
	Helstoski	Ottinger
	Hicks	Patman
	Horton	Patten
	Howard	Pepper
	Hungate	Perkins
	Jacobs	Philbin
	Johnson, Calif.	Pickle
	Jones, Ala.	Pike
	Jones, Tenn.	Pirnie
	Karth	Podell
	Kastenmeier	Pollock
	Kazen	Preyer, N.C.
	Kee	Price, Ill.
	Keith	Pryor, Ark.
	Koch	Pucinski
	Kyros	Railsback
	Leggett	Rees
	Long, Md.	Reid, N.Y.
	Lowenstein	Reuss
	Lujan	Riegle
		Robison
		Rodino
		Roe
		Rogers, Colo.
		Rooney, N.Y.
		Rooney, Pa.
		Rosenthal
		Roybal
		Ruppe
		Ryan
		St Germain
		St. Onge
		Saylor
		Scheuer
		Schwengel
		Shipley
		Shriver
		Sisk
		Skubitz
		Slack
		Smith, Iowa
		Smith, N.Y.
		Stafford
		Staggers
		Stanton
		Steed
		Steiger, Wis.
		Stokes
		Stratton
		Stubblefield
		Sullivan
		Symington
		Taft
		Thompson, N.J.
		Tiernan
		Tunney
		Udall
		Vander Jagt
		Vanik
		Vigorito
		Waldie
		Watts
		Welcker
		Whalen
		White
		Whitehurst
		Widnall
		Wilson, Charles H.
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Yates
		Yatron
		Young
		Zablocki

NOT VOTING—39

Abbitt	Fulton, Tenn.	Relfel
Anderson, Tenn.	Hall	Rostenkowski
Ashbrook	Hébert	Schneebeli
Bell, Calif.	Holifield	Sebelius
Berry	Hosmer	Snyder
Blatnik	Kirwan	Utt
Brown, Calif.	Kluczynski	Van Deerlin
Cahill	Lipscomb	Watkins
Cederberg	Mahon	Watson
Cowger	Matsunaga	Whalley
Dawson	Minshall	Wilson, Bob
Devine	Morton	Winn
Fascell	Pelly	
	Powell	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Holifield against.

Mr. Devine for, with Mr. Schneebeli against.

Mr. Watkins for, with Mr. Pelly against.

Mr. Sebelius for, with Mr. Cahill against.

Mr. Cederberg for, with Mr. Blatnik against.

Mr. Hall for, with Mr. Fascell against.

Mr. Bob Wilson for, with Mr. Rostenkowski against.

Mr. Snyder for, with Mr. Cowger against.

Mr. Watson for, with Mr. Brown of California against.

Mr. Winn for, with Mr. Matsunaga against.

Mr. Lipscomb for, with Mr. Kluczynski against.

Mr. Hosmer for, with Mr. Kirwan against.
Mr. Utt for, with Mr. Anderson of Tennessee against.
Mr. Ashbrook for, with Mr. Fulton of Tennessee against.
Mr. Berry for, with Mr. Van Deerlin against.
Mr. Reifel for, with Mr. Dawson against.

Until further notice:

Mr. Abbitt with Mr. Bell of California.
Mr. Mahon with Mr. Minshall.
Mr. Morton with Mr. Whalley.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 276, nays 117, not voting 40, as follows:

[Roll No. 321]

YEAS—276

Adair	Edmondson	Long, Md.
Adams	Edwards, Calif.	Lowenstein
Addabbo	Edwards, La.	Lujan
Albert	Eilberg	Lukens
Alexander	Esch	McCarthy
Anderson, Calif.	Eshleman	McClory
	Evans, Colo.	McCloskey
Anderson, Ill.	Evins, Tenn.	McCulloch
Andrews, N. Dak.	Fallon	McDade
	Farbstein	McDonald, Mich.
Annunzio	Feighan	
Ashley	Findley	McEwen
Aspinall	Fish	McFall
Barrett	Flood	McKneally
Beall, Md.	Foley	Macdonald, Mass.
Biaggi	Ford, William D.	
Biester		MacGregor
Bingham	Fraser	Madden
Blanton	Frelinghuysen	Mailliard
Boggs	Friedel	Mann
Boland	Fulton, Pa.	Mathias
Bolling	Galifianakis	May
Bow	Gallagher	Meeds
Brademas	Garmatz	Melcher
Brasco	Gaydos	Meskill
Brooks	Gibbons	Mikva
Broomfield	Gilbert	Miller, Calif.
Brotzman	Gonzalez	Mills
Brown, Mich.	Gray	Minish
Brown, Ohio	Green, Pa.	Mink
Burke, Mass.	Griffiths	Mollohan
Burlison, Mo.	Grover	Monagan
Burton, Calif.	Gude	Moorhead
Burton, Utah	Halpern	Morgan
Button	Hamilton	Morse
Byrne, Pa.	Hammer-schmidt	Mosher
Cabell		Moss
Carey	Hanley	Murphy, Ill.
Carter	Hanna	Murphy, N.Y.
Casey	Hansen, Idaho	Natcher
Celler	Hansen, Wash.	Nedzi
Chamberlain	Harrington	Nelsen
Chisholm	Harvey	Nix
Clark	Hathaway	Obey
Clausen, Don H.	Hawkins	O'Hara
	Hays	O'Konski
Clay	Hechler, W. Va.	Olsen
Cleveland	Heckler, Mass.	O'Neill, Mass.
Cohelan	Helstoski	Ottinger
Conable	Hicks	Patman
Conte	Hogan	Patten
Conyers	Horton	Pepper
Corbett	Howard	Perkins
Corman	Hungate	Pettis
Coughlin	Hunt	Philbin
Culver	Jacobs	Pickle
Cunningham	Johnson, Calif.	Pike
Daddario	Johnson, Pa.	Pirnie
Daniels, N.J.	Jones, Ala.	Poage
de la Garza	Jones, Tenn.	Podell
Delaney	Karth	Pollock
Dellenback	Kastenmeier	Preyer, N.C.
Dent	Kazen	Price, Ill.
Diggs	Kee	Pryor, Ark.
Dingell	Keith	Pucinski
Donohue	King	Purcell
Dorn	Koch	Railsback
Downing	Kyl	Rees
Dulski	Kyros	Reid, N.Y.
Duncan	Langen	Reuss
Dwyer	Leggett	Riegle
Eckhardt	Lloyd	Roberts
Robison	Smith, N.Y.	Vigorito
Rodino	Springer	Waldie
Roe	Stafford	Wampler
Rogers, Colo.	Staggers	Watts
Rooney, N.Y.	Stanton	Weicker
Rooney, Pa.	Steed	Whalen
Rosenthal	Steiger, Wis.	White
Roth	Stephens	Whitehurst
Roybal	Stokes	Widnall
Ruppe	Stratton	Wilson, Charles H.
Ryan	Stubblefield	
St Germain	Sullivan	Wolff
St. Onge	Symington	Wright
Sandman	Taft	Wyatt
Saylor	Talcott	Wydler
Scheuer	Taylor	Wylie
Schwengel	Thompson, N.J.	Wyman
Shipley	Tiernan	Yates
Shriver	Tunney	Yatron
Sisk	Udall	Young
Skubitz	Ullman	Zablocki
Slack	Vander Jagt	Zwach
Smith, Iowa	Vanik	

NAYS—117

Abernethy	Erlenborn	Michel
Andrews, Ala.	Fisher	Miller, Ohio
Arends	Flowers	Mize
Ayres	Flynt	Mizell
Baring	Ford, Gerald R.	Montgomery
Belcher	Foreman	Myers
Bennett	Fountain	Nichols
Betts	Frey	O'Neal, Ga.
Bevill	Fuqua	Passman
Blackburn	Gettys	Poff
Bray	Giaimo	Price, Tex.
Brinkley	Goldwater	Quie
Brock	Goodling	Quillen
Broyhill, N.C.	Green, Oreg.	Randall
Broyhill, Va.	Griffin	Rarick
Buchanan	Gross	Reid, Ill.
Burke, Fla.	Gubser	Rhodes
Burleson, Tex.	Hagan	Rivers
Bush	Haley	Rogers, Fla.
Byrnes, Wis.	Harsha	Roudebush
Caffery	Henderson	Ruth
Camp	Hull	Satterfield
Chappell	Hutchinson	Schadeberg
Clancy	Ichord	Scherle
Clawson, Del	Jarman	Scott
Collier	Jonas	Sikes
Collins	Jones, N.C.	Smith, Calif.
Colmer	Kleppe	Steiger, Ariz.
Cramer	Kuykendall	Stuckey
Crane	Landgrebe	Teague, Calif.
Daniel, Va.	Landrum	Teague, Tex.
Davis, Ga.	Latta	Thompson, Ga.
Davis, Wis.	Lennon	Thomson, Wis.
Denney	Long, La.	Waggonner
Dennis	McClure	Whitten
Derwinski	McMillan	Wiggins
Dickinson	Marsh	Williams
Dowdy	Martin	Wold
Edwards, Ala.	Mayne	Zion

NOT VOTING—40

Abbitt	Fulton, Tenn.	Powell
Anderson, Tenn.	Hall	Reifel
	Hastings	Rostenkowski
Ashbrook	Hébert	Schneebeli
Bell, Calif.	Holifield	Sebelius
Berry	Hosmer	Snyder
Blatnik	Kirwan	Utt
Brown, Calif.	Kluczynski	Van Deerlin
Cahill	Lipscomb	Watkins
Cederberg	Mahon	Watson
Cowger	Matsunaga	Whalley
Dawson	Minshall	Wilson, Bob
Devine	Morton	Winn
Fascell	Pelly	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. Hébert against.
Mr. Conyers for, with Mr. Snyder against.
Mr. Watkins for, with Mr. Hall against.
Mr. Cederberg for, with Mr. Watson against.
Mr. Schneebeli for, with Mr. Devine against.
Mr. Pell for, with Mr. Utt against.
Mr. Rostenkowski for, with Mr. Lipscomb against.
Mr. Bob Wilson for, with Mr. Berry against.
Mr. Cahill for, with Mr. Reifel against.
Mr. Matsunaga for, with Mr. Ashbrook against.

Until further notice:

Mr. Abbitt with Mr. Whalley.
Mr. Anderson of Tennessee with Mr. Winn.
Mr. Blatnik with Mr. Sebelius.
Mr. Morton with Mr. Mahon.
Mr. Minshall with Mr. Hastings.
Mr. Brown of California with Mr. Dawson.
Mr. Van Deerlin with Mr. Powell.
Mr. Kirwan with Mr. Hosmer.
Mr. Kluczynski with Mr. Bell of California.
Mr. Fascell with Mr. Fulton of Tennessee.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 734, the Committee on Education and Labor is discharged from further consideration of the bill S. 3016.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PERKINS: Strike out all after the enacting clause of S. 3016 and insert in lieu thereof the provisions of H.R. 12321, as passed, as follows:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title 1 of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amended by section 102 of this Act) as section 171, and by inserting after part D the followingg new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or

private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individual to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious workship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artifical barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRE-SCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Headstart projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purpose of carrying out programs under this title, there are hereby authorized to be a ppropriated $578,000,000 for the fiscal year ending June 3 0, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be allotted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 222 (a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational pro-

grams to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which are deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking and paragraphs (1) and (2), thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplemental to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of malnutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-terms staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

LIMITATION ON LEGAL SERVICES PROGRAM

SEC. 502. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 503. Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 504. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 505. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators, and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12321) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3016, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, and request a conference with the Senate thereon.

The Clerk read the title of the Senate bill.

THE SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. PUCINSKI, BRADEMAS, O'HARA, CAREY, HAWKINS, WILLIAM D. FORD, HATHAWAY, Mrs. MINK, Messrs. CLAY, AYRES, QUIE, REID of New York, ERLENBORN, SCHERLE, DELLENBACK, ESCH, and STEIGER of Wisconsin.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14580. An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14580) entitled "An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 14580

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve

One of the most fateful issues before us as a people at the present time is whether or not we should proceed with the construction of an ABM system. It is an exceedingly complex issue, to which there is no easy answer.

Last summer we engaged here in the Senate in a long and thorough debate of the issue. When the roll was finally called, we found ourselves evenly divided.

I do not regard this vote as a final Senate pronouncement on the issue. Even if it had been more decisive, it would be proper, in my view, to reexamine the issue at a later date.

I do not believe, however, that now is an appropriate time for such a reexamination. Due to the press of business upon us as the holiday season approaches, we simply cannot reopen our deliberations in the depth which our responsibilities require. Under the circumstances, I have decided to vote against today's amendment.

This vote should be interpreted for what it is and no more. I voted last summer against the administration's proposal to move ahead with construction of the Safeguard system. I stand on my vote, but I also feel we should abide at this time with the result of last summer's rollcall. My vote today, therefore, is directed against the timeliness rather than the substance of today's amendment. I simply do not believe that it would be proper to reopen the underlying issue at this time.

SAFEGUARD IS NO SAFEGUARD

Mr. McGOVERN. Mr. President, the Safeguard hard-point ABM is a system of many weaknesses. Not the least of these is the missile site radar, or MSR, which is so inadequate as to invalidate the entire system.

All four major Safeguard components are carried over from the Sentinel and Nike-X city-defense systems; none are suitable for the hard-point defense mission. Let us consider the missile site radar as an example. It is possible for the Soviet Union to mount an inexpensive reliable attack on the MSR's which would render the entire Safeguard system inoperable.

Because of its high cost—current estimates run at about $165 million per copy—it is impractical to build more than one MSR for each Minuteman ICBM farm. An MSR is necessary for all ABM interceptions. Because of its short range, there is no overlap between MSR's. Thus, destruction of a Minuteman farm's MSR would leave that farm without ABM protection. Destruction of all 12 of Safeguard phase 2's MSR's would render the entire system inoperable.

Let us assume the Safeguard ABM system will be 70 percent effective. Even allowing for multiple interceptor firings at a single Soviet warhead, this is a generous assumption of ABM system effectiveness under ideal test conditions. In the context of a real-life heavy sophisticated surprise attack, it is extremely generous.

The following three estimates of Soviet offensive missile capability are based on official Pentagon statements. If, in fact, the Soviet capability is not as great as the Pentagon claims, our ICBM's are not seriously threatened and we do not need Safeguard. If the Soviet missile capability is as good or better than the Defense Department claims, Safeguard will not help us, as I shall now demonstrate.

First, let us assume Soviet missile accuracy will be such that a 5-megaton warhead will have a 95-percent probability of destroying a hardened ICBM silo. Since an MSR is only one-tenth as "hard" as a silo, a one-half megaton warhead will have a 95-percent probability of destroying an MSR.

Second. Let us assume 20 percent of the Soviet warheads will malfunction at some point.

Third. Let us assume the Soviet SS–9 missile is capable of carrying a single 20- to 25-megaton warhead, or three 5-megaton independently targetable MIRV warheads. From this it can be extrapolated that an SS–9 could carry 10 one-half megaton warheads and have some payload left over for penetration aids.

Applying standard statistical procecedures to these three assumptions, one can calculate that an attack by 8 one-half megaton warheads would leave a 13-percent probability of MSR survival. An attack by 16 warheads reduces the probability of 1.8 percent; 20 warheads reduce it to a negligible 0.7 percent.

Dr. Foster of the Defense Department has estimated the cost of a single warhead SS–9 at $30 million. Based on this, a 10-warhead MIRV SS–9 might cost $35 million. Thus, the cost of destroying an MSR would be two SS–9 missiles, or about $70 million. The entire 12–MSR Safeguard system, which will cost at least $12 billion, can thus be rendered inoperable by 24 SS–9's costing a total of $840 million.

So each dollar we spend on Safeguard can be neutralized by a Soviet expenditure of 7 cents. Safeguard is a poor investment indeed.

Several alternative proposals have been suggested, some of which offer some hope of economical and effective hardpoint defense. But none of these have any major components in common with Safeguard. Therefore, if we eventually decide to build an effective ABM defense, all money spent on Safeguard deployment will have been wasted.

The PRESIDING OFFICER. The question is on agreeing to the Smith-Cooper-Hart amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK (when his name was called). On this vote I have a live pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SAXBE (when his name was called). On this vote I have a live pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MAGNUSON (after having voted in the affirmative). On this vote I have a live pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. METCALF (after having voted in the affirmative). On this vote I have a live pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Maryland (Mr. TYDINGS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announcc that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "yea."

The respective pairs of the Senator from Iowa (Mr. MILLER) and that of the Senator from South Dakota (Mr. MUNDT) have been previously announced.

The result was announced—yeas 36, nays 49, as follows:

[No. 235 Leg.]

YEAS—36

Bayh	Hart	Moss
Brooke	Hartke	Muskie
Case	Hatfield	Nelson
Church	Hughes	Pell
Cranston	Inouye	Percy
Eagleton	Javits	Proxmire
Ellender	Kennedy	Randolph
Fulbright	Mathias	Ribicoff
Goodell	McCarthy	Schweiker
Gore	McGovern	Smith, Maine
Gravel	Mondale	Yarborough
Harris	Montoya	Young, Ohio

NAYS—49

Aiken	Cannon	Griffin
Allen	Cotton	Gurney
Allott	Curtis	Hansen
Baker	Dodd	Holland
Bellmon	Dole	Hollings
Bennett	Dominick	Hruska
Bible	Eastland	Jordan, N.C.
Boggs	Ervin	Jordan, Idaho
Burdick	Fannin	Long
Byrd, Va.	Fong	McClellan
Byrd, W. Va.	Goldwater	McGee

McIntyre	Scott	Thurmond
Murphy	Smith, Ill.	Tower
Packwood	Spong	Williams, Del.
Pastore	Stennis	Young, N. Dak.
Pearson	Stevens	
Prouty	Talmadge	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Cook, for.	Metcalf, for.
Saxbe, for.	Mansfield, against.
Magnuson, for.	

NOT VOTING—10

Anderson	Mundt	Tydings
Cooper	Russell	Williams, N.J.
Jackson	Sparkman	
Miller	Symington	

So the amendment of Mrs. SMITH of Maine was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3016.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Economic Opportunity Act Amendments of 1969".

TITLE I—EXTENSION OF AUTHORIZATION

SEC. 101. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 for which there are no separate authorizations of appropriations in such Act, there are hereby authorized to be appropriated $1,563,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

SEC. 102. Sections 161, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "1967" and by inserting in lieu thereof "1969". Section 523 of such Act is amended by striking out "June 30, 1968, and the two succeeding fiscal years" and by inserting in lieu thereof "June 30, 1969, and the three succeeding fiscal years".

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended redesignating part E as part F, by renumbering section 161 (as amending by section 102 of this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Operation Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Carcers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safcty, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment with Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to providc financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in thesc programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requiremcnts, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other poiicies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

"AUTHORIZATIONS

"SEC. 168. For the purpose of carrying out programs under this part, there are hereby authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

TITLE III—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

SEC. 301. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE IX—SPECIAL COMPREHENSIVE PRESCHOOL PROGRAMS AND PROGRAMS PROVIDING FOR INTENSIVE FOLLOW THROUGH EDUCATION FOR PRIMARY SCHOOL CHILDREN

"FINDINGS AND PURPOSE

"SEC. 901. The Congress finds that children participating in Head Start projects and other preschool programs are afforded an increased opportunity for learning and healthy maturation, that more effective and maximum benefits accrue to children participating in preschool programs when special educational programs are provided for such children in the early primary grades immediately following their preschool participation, and that preschool and special educational programs and services provided in the early primary school years afford children with culturally deprived, educationally lacking, or economically distressed family backgrounds an essential opportunity to participate in the economic, social, and political mainstream activities of American life. It is the purpose of Congress in this title to afford broad authority to the Director, either acting directly or by delegation pursuant to the provisions of title VI of this Act, to broaden the opportunities of the children described in this paragraph for preschool and early primary education, including provisions for parental and home involvement, utilizing to the maximum extent possible existing agencies and organizations and resources to accomplish such purposes.

"AUTHORIZATIONS

"SEC. 902. For the purpose of carrying out the provisions of this title, the Director is authorized to make grants to community action agencies, local educational agencies, or other public or nonprofit agencies with the approval of the appropriate community action agency, or to a local educational agency or other public or nonprofit agency in an area where there is no community action agency. For the purposes of carrying out programs under this title, there are hereby authorized to be appropriated $578,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 903. The sums which are appropriated or allocated for the purpose of making grants under this title shall be allotted pursuant to section 225 of this Act and such sums and project assistance shall be subject to the provisions of that section.

"USES OF FUNDS

"SEC. 904. (a) Grants made pursuant to this title may be used for (1) the continuation of programs authorized by sections 22(a) (1) and (2) of this Act prior to the enactment of the Economic Opportunity Act Amendments of 1969, and known as 'Project Head Start' and 'Follow Through', where consistent with the purposes of this title, (2) planning for and taking steps leading to the development of early childhood programs for the benefit of children with culturally deprived, educationally lacking or economically distressed family backgrounds, including appropriate arrangements with educational agencies for special educational programs and services for the further intensified provision of educational opportunities for such children during the early years of compulsory school attendance, (3) the provision within such programs of such comprehensive health, nutritional, social, and other services as the Director finds will assist such children in gaining their full potential, (4) providing for direct participation of the parents of such children in the development, conduct, and overall program direction at the project operating level, (5) the establishment, maintenance, and operation of preschool and early primary school programs for the children described in this section, including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies necessary to provide comprehensive programs as described in this section, (6) the provision of comprehensive physical and mental health services for children needing such assistance in order to profit from educational programs, (7) food and nutritional services, including family consultative and educational programs to improve nutrition in the home, (8) special social services to broaden the educational environment in the homes of the children participating in such programs, and (9) other social and educational activities, including summer, weekend, and vacation programs for such children which we deemed by the Director to further the purposes of this title."

SEC. 302. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraphs (1) and (2) thereof.

TITLE IV—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

SEC. 401. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"TITLE X—INTENSIVE PROGRAMS TO ELIMINATE HUNGER AND MALNUTRITION

"STATEMENT OF PURPOSE

"SEC. 1001. Congress finds that existing programs aimed at providing surplus foods and free meals to needy children and families often are structured so as to have no or little impact on extremely economically disadvantaged children and families; that to reach the many victims of such impoverished circumstances, existing programs must be supplemented and broadened to produce effective results; that supplementary activities, requiring improved delivery services, increased family food subsidies, intensive family and child educational components, and emergency family medical services, are required frequently in the homes of the most economically disadvantaged; and that such conditions operate most severely on the elderly and the very young. It is the purpose of this title to provide broad authority to meet such needs expeditiously.

"AUTHORITY TO PROVIDE FOOD AND MEDICAL SERVICES AND SUPPLIES

"SEC. 1002. The Director is authorized to provide, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve extremely economically disadvantaged families with particular emphasis on the elderly and the extremely young where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this title. The Director is authorized to carry out the functions under this title through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs, medical services and supplies through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families.

"AREAS OF SPECIAL EMPHASIS

"SEC. 1003. The Director shall take steps to assure that programs under this title shall be designed to deal particularly with the incidence of mainutrition, hunger and serious medical needs among persons in economically disadvantaged circumstances who are fifty-five years of age and older and young children. In the conduct of such programs, the Director shall encourage the employment of such elderly persons as regular, part-time, and short-term staff in programs designed to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1004. For the purpose of carrying out programs under this title, there are hereby authorized to be appropriated $92,000,000 for the fiscal year ending June 30, 1970, and such amount as may be necessary for the fiscal year ending June 30, 1971."

SEC. 402. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) thereof.

TITLE V—MISCELLANEOUS

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 501. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

LIMITATION ON LEGAL SERVICES PROGRAMS

SEC. 502. Section 222(a) (3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

AVAILABILITY OF LEGAL SERVICES TO ARMED FORCES PERSONNEL

SEC. 503. Section 222(a) (3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense). The costs of providing such services shall be reimbursed by the Secretary of Defense."

APPLICABILITY TO TRUST TERRITORY

SEC. 504. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AUTHORIZATION OF NARCOTIC ADDICT RECOVERY PROGRAM

SEC. 505. Section 222(a) of such Act is further amended by adding to the end thereof the following new paragraph:

"(9) A 'Narcotic Addict Recovery' program designed to discover and bring about post and/or preinstitutional treatment for narcotic addiction. Such a program shall be community based, with appropriate participation by parents, youth, educators and others in the community, serve the objective of maintaining the family structure as well as the recovery of the individual addict, encourage the use of neighborhood facilities and the services of former addicts as program workers and facilitate the re-entry of addicts into society. Such a program shall also emphasize the coordination and full utilization of existing community services which pertain to the treatment of addiction and/or related disorders."

And amend the title so as to read "An Act to provide for the continuation of

programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

Mr. NELSON. Mr. President, I move that the Senate disagree to the amendments of the House on S. 3016; agree to the request of the House for a conference on the disagreeing votes thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SMITH of Illinois conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself, the junior Senator from New York (Mr. GOODELL), the Senator from New Jersey (Mr. CASE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Pennsylvania (Mr. SCHWEIKER), and the senior Senator from Pennsylvania (Mr. SCOTT), and ask that it be stated.

The PRESIDING OFFICER (Mr. DODD in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 8 after line 26, insert the following:

"No part of the funds appropriated under this Act shall be used for the purpose of repairing, maintaining, or overhauling any naval vessel at any private facility, other than a facility located in the home port of such vessel, pursuant to any contract which has not been awarded on the basis of competitive bidding, pursuant to chapter 137 of title 10, United States Code, open to all drydock or other repair facilities which are located within 350 miles of the home port of such vessel."

Mr. MANSFIELD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the amendment, the time to be equally divided between the Senator from New York and the acting chairman of the committee.

Mr. JAVITS. I wanted 15 minutes.

Mr. MANSFIELD. Very well; 15 minutes to a side.

The PRESIDING OFFICER. Is there objection?

The Chair hears no objection, and it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. JAVITS. I yield.

Mr. SCOTT. Mr. President, first I gladly cosponsor the amendment.

Second, if the distinguished majority leader has no objection, I would like to offer as part of the bill a resolution in which he and I have joined—to see whether or not this might be considered later. I shall not submit it now.

In addition, I wish to state that the President has just announced the withdrawal of 50,000 troops by April 15. In this announcement he has been consistent with his promises and, therefore, creditable. He has been persistent in his determination to deescalate the war, and he has been persistent in his effort to bring our soldiers home alive as soon as possible.

Mr. President, I thank the Senator for yielding.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I request that the Chair maintain order so that Senators can hear. We do not know what is happening.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, this is a long-standing inequity we have been trying to correct for some time respecting naval ship repairs. It does not relate to conversion, but relates only to repairs.

Apparently we are up against regulation, not a law, of the Navy that provides that where repairs are to be done on a vessel in private facilities other than facilities in its home port, the competitive bidding is confined to the Naval district in which that home port is located.

The configuration of the Naval districts has the great concentration of the Naval ships in the area of the Fifth Naval District, which is the Virginia area. The configuration of the district is such as to shut out major centers like Philadelphia and New York from which they could succeed in obtaining by competitively bidding for it—perhaps and perhaps not. But at least they would have a chance at the work. Now the bidding is confined to ports within the naval district.

The inequity arises in the fact that the distance between major ports in certain naval districts is much greater than the 350-mile limitation which is suggested in this amendment as a fair distance. For example, within the 6th Naval District, one can go as far as 700 miles from Charleston, S.C., to New Orleans, La.

The fact is, because of this regulation, there has been a very material bulge in ship repair work done in certain ports which benefit from this kind of setup as against ship repair work in other ports which has fallen very materially.

For example, in 1963, Boston had 62 percent of all ship repairs; in 1966, the figure dropped to 11 percent. That is the last year for which we have figures. New York had 18 percent in 1963. We are by no means one of the big ports in that regard. However, our ship repairs dropped to 7 percent in 1966. On the other hand, in Newport News, the figure went from 9 percent in 1963 to 31 percent in 1966.

If the bids are won competitively, that is fine, but if not, we think to have very arbitrary distinctions is not compatible with the best interest of the United States and it does not make a real effort to spread the ship repair work.

I shall point up this argument by pointing out the juxtaposition of the Senate and the House reports. We know a report is not legislation, but I have served on the Committee on Appropriations, too, and I know how influential a report is with a Government department. We know what a report means to a Government department which is proceeding by regulation rather than on the basis of statute law. That is all this comes down to.

The other body, in its report, took cognizance of this situation and said in its report exactly what this amendment provides. I point to page 39 of the House report, where the Committee on Armed Services of the House of Representatives said, after discussing the matter:

The committee feels this practice is unnecessarily restrictive and the better price and better desirability of repair work among available facilities could be accomplished if repairs were open to competition.

If only the Senate had done that I assume the Navy would change its regulation, but the Senate committee did not do that. What the Senate committee did, as found on page 36 of its report which is before us today, is as follows:

The committee feels that the morale and retention rate of Navy personnel is of paramount importance and recommends that ship repair work be performed in, or as near as possible to, the home port of the vessel, since many of the ship's personnel will have families living in the area.

Of course, that begs the question completely because there is no argument in my amendment about the home port doing the work. That is the end of it and there is no outside bidding. The question is where the home port does not do the work and where the home port is much farther from the place of repair because it is within that naval district than it would be if there were open competition and some of the larger ship repair businesses in other districts were able to compete.

So the Senate report leaves it up in the air and does not nail it down. The attitude of the Senate on this matter differed from the House. I tried to introduce this matter last year. I felt we had to introduce this amendment to crystallize the situation. Last year we proposed 1,000 miles. In other words we provided that competitive yards within 1,000 miles of the home port could bid. Now we have cut that distance to 350 miles for two reasons: First, the House of Representatives Armed Services Committee passed on the question of fact that that is a fair distance from the ship repair facility to the home port; and second, because the argument was made last year that the crews that go along with a ship should be within some kind of week-end distance so that they could get from the place of repair to the home port. With modern methods of travel 350 miles is not excessive in that regard.

Mr. President, that is the case. The present Navy policy is an inequity and it does not meet standards of best bidding for the United States. It is strictly a

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Dec. ~~18 continued~~, 19th, & ~~20, 1969~~
91st-1st No. 213 and No. 212

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HIGHLIGHTS: Both Houses agreed to conference report on foreign aid authorizations bill. Senate passed migrant workers health bill. House committee reported international quarantine station bill. House passed additional supergrades bill. Senate passed additional supergrades bill. Senate agreed to conference report on environmental quality bill. House received conference report on supplemental appropriations bill.

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U.S. DEPARTMENT OF AGRICULTUR

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

HOUSE December 19, 1969

1. CONSUMERS. Received from the Government Operations Committee a report "Government rejected consumer items (17th report)" (H. Rept. 91-773). p. H12837

2. QUARANTINE STATIONS. The Agriculture Committee reported with amendments H. R. 11832, to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the U. S. for purposes of improving livestock (H. Rept. 91-776). p. H12837

3. POVERTY. Received the conference report on S. 3016, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs (H. Rept. 91-778). pp. H12817-22

4. FOREIGN AID. Both Houses agreed, (House, 208-166) to the conference report on H. R. 14580, the foreign aid authorization bill (pp. H12795-7, S17301-2). This bill will now be sent to the President.
Received the conference report on H. R. 15149, the foreign aid appropriation bill, 1970 (H. Rept. 91-779). pp. H12834-6

5. TAXATION. Granted until midnight Sunday, Dec. 21, to file a conference report on H. R. 13270, the tax reform bill of 1969. pp. H12791-3

6. MILITARY CONSTRUCTION. Agreed to the conference report on H. R. 14751, the military construction appropriation bill for the Department of Defense for fiscal year 1970. pp. H12793-5

7. TRANSPORTATION. Agreed to the conference report on H. R. 14794, Department of Transportation and related agencies appropriation bill, 1970. pp. H12797-8

8. SUPERGRADES; PERSONNEL. Passed as reported S. 2325, to amend title 5, U. S. Code, to provide for additional positions in grades GS-16, GS-17, and GS-18. pp. H12798-12800

9. MORTGAGE CREDIT. Both Houses agreed (House, 358-4) to the conference report on S. 2577, to provide additional mortgage credit (pp. S17299-301, H12812-17) This bill will now be sent to the President.

10. SUPPLEMENTAL APPROPRIATION. Conferees were appointed on H. R. 15209, the supplemental appropriation bill, 1970 (p. H12822). Senate conferees have been appointed.

11. WATERSHEDS. Rep. Edwards, Ala., expressed hope the Administration will back the Tennessee-Tombigbee Waterway project. p. H12790

12. FOREIGN TRADE. Rep. Mollohan called on the Congress in the next session to "carefully consider" our foreign trade commitments. p. H12807

Shipley	Talcott	Whalley
Shriver	Taylor	White
Sikes	Teague, Calif.	Whitehurst
Skubitz	Teague, Tex.	Widnall
Slack	Thompson, Ga.	Wiggins
Smith, Calif.	Thompson, N.J.	Williams
Smith, Iowa	Thomson, Wis.	Wilson, Bob
Smith, N.Y.	Tiernan	Wilson, Charles H.
Snyder	Udall	Winn
Springer	Ullman	Wold
Stafford	Utt	Wolff
Staggers	Van Deerlin	Wright
Stanton	Vander Jagt	Wyatt
Steed	Vanik	Wylie
Steiger, Ariz.	Vigorito	Wyman
Steiger, Wis.	Waggonner	Yates
Stokes	Waldie	Yatron
Stratton	Wampler	Young
Stubblefield	Watson	Zablocki
Stuckey	Watts	Zion
Symington	Weicker	Zwach
Taft	Whalen	

NAYS—4

Camp	Price, Tex.
Gross	Rarick

ANSWERED "PRESENT"—2

Collier	Cowger

NOT VOTING—69

Abbitt	Edwards, Calif.	Miller, Calif.
Alexander	Fallon	Minshall
Anderson, Tenn.	Fisher	Montgomery
Andrews, Ala.	Fulton, Tenn.	Morse
Ashbrook	Gallagher	Moss
Baring	Green, Oreg.	Pelly
Berry	Griffiths	Pepper
Bolling	Hall	Poage
Brock	Hastings	Powell
Burton, Utah	Hays	Pucinski
Cahill	Hébert	Rees
Carey	Hicks	Reid, N.Y.
Cederberg	Kirwan	Reifel
Celler	Kleppe	Rostenkowski
Chisholm	Kluczynski	St Germain
Clark	Landgrebe	Sisk
Clay	Latta	Stephens
Conyers	Lipscomb	Sullivan
Corman	Long, La.	Tunney
Cunningham	Lowenstein	Watkins
Dawson	Lukens	Whitten
Diggs	McCarthy	Wydler
Eckhardt	MacGregor	
	Martin	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Moss with Mr. Lipscomb.
Mr. Pucinski with Mr. Brock.
Mr. Rees with Mr. MacGregor.
Mr. Conyers with Mr. McCarthy.
Mr. Kluczynski with Mr. Landgrebe.
Mr. Fallon with Mr. Hastings.
Mrs. Green of Oregon with Mr. Minshall.
Mrs. Griffiths with Mr. Morse.
Mr. Celler with Mr. Wydler.
Mr. Hébert with Mr. Hall.
Mr. Edwards of California with Mr. Powell.
Mr. Fisher with Mr. Ashbrook.
Mr. Carey with Mr. Reid of New York.
Mr. Whitten with Mr. Reifel.
Mr. Clay with Mr. Tunney.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Anderson of Tennessee with Mr. Cunningham.
Mr. Andrews of Alabama with Mr. Burton of Utah.
Mr. Clark with Mr. Cederberg.
Mr. Abbitt with Mr. Lukens.
Mr. Alexander with Mr. Latta.
Mr. Baring with Mr. Kleppe.
Mr. Fulton of Tennessee with Mr. Watkins.
Mr. Eckhart with Mr. Pelly.
Mr. Hays with Mr. Martin.
Mr. Gallagher with Mr. Berry.
Mr. Hicks with Mr. Cahill.
Mr. Diggs with Mr. Kirwan.
Mr. Corman with Mrs. Sullivan.
Mr. Long of Louisiana with Mr. Montgomery.
Mr. Pepper with Mr. Rostenkowski.
Mr. St Germain with Mr. Sisk.
Mr. Stephens with Mr. Miller of California.

Mr. BRAY and Mr. BROWN of Michigan changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CORRECTION OF VOTE

Mr. GUDE. Mr. Speaker on rollcall No. 323 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON S. 3016, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PERKINS submitted the following conference report and statement on the bill (S. 3016) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes":

CONFERENCE REPORT (H. REPT. No. 91–778)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Economic Opportunity Amendments of 1969".

TITLE I—EXTENSION OF THE ECONOMIC OPPORTUNITY ACT OF 1964 AND RELATED PROVISIONS

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 101. (a) Section 161 of the Economic Opportunity Act of 1964 (redesignated section 171 by section 201 of this Act) is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,195,500,000 for the fiscal year ending June 30, 1970, and $2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than $328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964, and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that of such remaining amounts so appropriated for each fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and carecr development programs);

(4) $811,300,000 shall be for the purpose of carrying out title II, of which $398,000,000 shall be for the Project Headstart program described in section 222(a)(1), $90,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(5) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(6) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(7) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and

(8) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $34,700,000 for the fiscal year ending June 30, 1971, to be used for the Speelal Work and Career Development programs described in part E of title I;

(3) $180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(4) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legel Services program described in section 222(a)(3);

(5) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(6) $112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family

Planning program described in section 222 (a)(6);

(8) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a)(7);

(9) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(10) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 103. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income shall be required to make payment, or have payment made in its behalf, in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

AMENDMENTS WITH RESPECT TO LEGAL SERVICES PROGRAM

SEC. 104. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services".

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided,* That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

EMERGENCY FOOD AND MEDICAL SERVICES

SEC. 105. Section 222(a)(5) of the Economic Opportunity act of 1964 is amended to read as follows:

"(5) A program to be known as 'Emergency Food and Medical Services' designed to provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this paragraph. The Director is authorized to carry out the functions under this paragraph through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such medical supplies and services, nutritional foodstuffs, and related services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such footstuffs, medical services, and supplies to needy individuals and families."

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 106. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 107. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor.".

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

AMENDMENT OF RURAL LOAN PROGRAM

SEC. 108. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

APPLICABILITY TO TRUST TERRITORY

SEC. 159. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 110. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) inserting after the phrase "10 per centum" the first time it appears in such section, the following: "for fiscal years ending prior to July 1, 1970, and not to exceed 15 per centum for fiscal years ending thereafter;" and

(2) striking out "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum" and inserting in lieu thereof the following: "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by—

"(1) more than 100 per centum in the case of any program or activity for which the amounts otherwise available are $10,000,000 or less; or

"(2) more than 35 per centum in the case of any program or activity for which the amounts otherwise available exceed $10,000,000".

ADEQUATE LEADTIME

SEC. 111. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding, available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 112. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a "; and

(3) before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment

in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the Unitde States Government on or after the effective date of this Act.

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 113. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

PROVISION WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 114. The authority of section 620(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 115. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director of the Office of Economic Opportunity determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director of the Office of Economic Opportunity shall consult on a quarterly basis.

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended by redesignating part E as part F, by renumbering section 161 (as amended by this Act) as section 171, and by inserting after part D the following new part:

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family

if the family receives cash welfare payments.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act."

And the House agree to the same.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
JAMES H. SCHEUER,
LLOYD MEEDS,
W. L. CLAY,
LOUIS STOKES,
O. R. REID,
MARVIN L. ESCH,
ALPHONZO BELL,
Managers on the Part of the House.

GAYLORD NELSON,
RALPH W. YARBOROUGH,
CLAIBORNE PELL,
EDWARD KENNEDY,
WALTER MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
JACOB K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The conference report recommends a substitute text for both the Senate bill and the House amendment. Except for minor technical and clarifying differences, this statement describes the actions of the conferees insofar as they recommend changes in the House amendment.

PROVISIONS WITH RESPECT TO LEGAL SERVICES PROGRAMS

The Senate bill provided that none of the funds authorized to be appropriated as additional amounts for carrying out legal services programs during fiscal year 1971 may be used to pay lawyers who are disbarred or suspended from the practice of law. The House amendment contained no comparable provision. The Senate recedes.

The Senate bill prohibited the Director from delegating his authority to carry on legal services programs to other Federal agencies. The House amendment contained no comparable provision. This provision of the Senate bill is retained in the conference substitute.

The Senate bill provided that, in the case of legal services programs, the Governor's veto would apply to any "portion of any contract, agreement, grant, loan, or other assistance" and that the power to override that veto would be a nondelegable power of the President. The House amendment contained no comparable provision. The Senate recedes.

The House amendment, unlike the Senate bill, limited the types of "counseling, education, and other appropriate services" which could be provided under legal services programs to "legal counseling, education in legal matters, and other appropriate legal services". The Senate recedes.

The House amendment contained a provision, which had no counterpart in the Senate bill, which provided that members of the Armed Forces and their families would be eligible to obtain legal services under legal services programs in cases of extreme hardship (determined in accordance with the Director's regulations issued after consulting with the Secretary of Defense). It provided that the costs of providing these services would be reimbursed by that Secretary. The agreement reached in conference retains the provisions of the House amendment in this regard except that it deletes the provision for reimbursement of costs by the Secretary of Defense and inserts in lieu thereof a statement that nothing in this new provision will be construed to require the Director to expand or enlarge existing programs in order to carry out this new directive unless the Secretary of Defense assumes the costs of these services and has reached an agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the new provision. The conferees recognize that servicemen, qualifying under legal services guidelines, are presently eligible for such services and are receiving help and representation. No inference is to be drawn that such assistance is to be curtailed or eliminated. It is the understanding of the managers on the part of the House that the Department of Defense is considering developing its own programs to provide these legal services. The inclusion of this new provision is not intended to supplant this effort but rather to offer an alternative which it is hoped the Department will consider.

HEADSTART AND FOLLOW THROUGH

The Senate bill continued in effect the present provisions of law under which Project Headstart programs and Follow Through programs are carried on. In contrast the House amendment repealed the provisions of present law which authorize the Director to carry on Project Headstart and Follow Through programs, and substituted therefor, in a new title IX, provisions for special comprehensive preschool programs and programs providing for intensive Follow Through education for primary school children. The conference agreement adopts the organizational approach of the Senate bill in this regard, so that Project Headstart and Follow Through programs will be carried on, as they are today, under section 222(a)(1) and (2).

The Senate bill amended the existing provision of law relating to Project Headstart programs to provide that under regulations which the Director could prescribe, children who are not members of low-income families could be permitted to receive the benefits of the Head Start program. It provided that a family which is not of low income could be required to pay for these services. The House amendment did not contain this provision. The substitute agreed to in conference adopts this provision but requires, rather than permits, families which are not of low income to pay, or that payments be made on their behalf, for these services.

Headstart regulations presently permit as much as 10% of an individual class to exceed the poverty level with respect to income. The managers on the part of the House, feel that participation in programs carried on under this Act by persons who are not of low income makes a positive contribution to such programs, but feel that the costs of their participation should be provided other than through OEO funds. The managers wish to make clear that the programs are to continue to have a poverty focus and that the very poor children are to have a distinct preference. Participation of higher income children should not be permitted where it might deprive low-income persons of the benefits of these programs. Where their participation is permitted their families should be required to make appropriate payments on account of the benefits they receive or payment should be made on their behalf. This view of the conferees is consistent with the position taken by the Congress with respect to other programs authorized under the Act, such as the comprehensive health services program, that while the very poor should have preference, access to program benefits need not always be limited solely to those below the established "poverty" line.

NARCOTICS AND DRUGS

The Senate bill provided for a new special program to be called a "drug rehabilitation program" and also provided a new special program for Alcoholic Counseling and Recovery. The House amendment provided a somewhat similar program to be called a "Narcotic Addict Recovery Program," but contained no provision comparable to that in the Senate bill relating to the Alcoholic Counseling and Recovery program. The Senate bill reserved $10,000,000 for fiscal year 1970 and $15,000,000 for fiscal year 1971 for the Alcoholic Counseling and Recovery program, and reserved $5,000,000 for fiscal year 1970, and $15,000,000 for fiscal year 1971, for the Drug Rehabilitation program. The conference substitute adopts these provisions of the Senate bill, but it should be noted that the reservations of funds for these programs which are retained in the conference substitute are made subject to the prior reservation of funds for local initiative programs carried on by community action agencies.

SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

The House amendment added a new part E to title I of the Act which provided a new authorization for special "Mainstream" programs involving work activities directed at the needs of chronically unemployed poor, and a special "New Careers" program to provide unemployed or low-income persons with jobs leading to new career opportunities. The House bill authorized the appropriation of $110,000,000 for this purpose for fiscal year 1970 and such amounts as may be necessary for the fiscal year 1971. The Senate bill contained no comparable provision. The conference substitute adopts the substance of this provision of the House amendment. However, it deleted the separate authorization of appropriations, and in lieu thereof added to the general section dealing with authorization of appropriations in the amount of $20,000,000 for the fiscal year 1970 and the first fiscal year 1971. The managers on the part of the House are fully aware that the Director has delegated to the Secretary of Labor authority to carry on programs similar to those provided for in this new part. The conferees agreed that those existing programs could continue to be carried particularly, but not exclusively, in connection with the concentrated employment programs, and that the scope of their activities not be reduced by reason of the enactment of this additional provision. It had been

the plan of most of the House Managers that the Director would be directed to retain, rather than delegate, this new authority.

They did not insist, however, that he do so; but they do insist that these programs and other manpower and job programs be carried on as originally conceived and designed by the Congress, that there be no reduction in their magnitude, that recent limitations on eligibility (such as those dealing with older workers) be removed, that the "New Careers" program retain real substance and not be limited to public service activities, that substantive efforts such as those going on at the University of Minnesota be encouraged to improve and continue. In short, the managers on the part of the House will insist that the policies and purposes enunciated by the Congress be adhered to. It is their expectation that under this part special emphasis will be placed on single purpose programs, that programs of limited size and scope will be carried out, especially in rural areas, and that the rural poverty areas will receive an equitable share of the assistance being provided. The Director and/or his delegate administrator of this part will be expected to report to the committee on the policies and progress of these programs biannually beginning six months after the enactment of this Act. The Managers on the part of the House reemphasize and redirect the attention of the Secretary of Labor to the language on page 7 of the House Report (91–684) dealing with manpower programs.

EMERGENCY FOOD AND MEDICAL SERVICES

The House amendment contained a provision, which had no counterpart in the Senate bill, which added a new title X to the Act under which the Director would carry out intensive programs to eliminate hunger and malnutrition. The amendment also repealed the authority in the existing law which provides for an emergency food and medical service program as a special emphasis program to be carried out under section 222(a). The amendment authorized the appropriation of $92,000,000 for the fiscal year 1970 and such amounts as may be necessary for fiscal year 1971 for carrying out this new program. The conference substitute does not contain all of the provisions of the House amendment, but instead substitutes for the existing authority in section 222(a) for carrying out emergency food and medical services the substantive language contained in the House provision, with a minor amendment to assure that the services will be provided only on an emergency basis. The substitute also deletes the requirement in the House amendment that particular emphasis be given to programs which serve the elderly and the extremely young. The conferees wish to emphasize their desire that the Director should encourage the employment of elderly persons as regular, part time, and short-term staff in programs carried on under this paragraph.

AMENDMENT OF RURAL LOAN PROGRAM

The House amendment made an amendment to the provisions of the Act governing the rural loan program. This provision, which had no counterpart in the Senate bill, is retained in the conference report. The managers on the part of the House expect that, with the adoption of this amendment, the Farmers Home Administration will consider applications for loans under this Part to elderly people for the purpose of making repairs and improvements to their homes.

APPLICABILITY TO THE TRUST TERRITORY

The House amendment contained a provision, which did not appear in the Senate bill, to ensure that the benefits of titles III–A and IV of the Act are available in the Trust Territory of the Pacific Islands. The Senate recedes.

ADVANCE FUNDING

The Senate bill provided that appropriations for grants, contracts, or other payments under the Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. This provision authorizing advance funding had no counterpart in the House amendment. The advance funding provision is retained in the conference substitute.

TIME OF OBLIGATION OF APPROPRIATIONS

The Senate bill provided that funds to cover a contract, agreement, grant, loan, or other assistance shall be treated as obligated at the time the plan is approved by the Office of Economic Opportunity and submitted to the Governor for consideration as required by section 242 of the Act, and also ratifies past practices of the Office of Economic Opportunity which is in accord with this provision. While the House amendment did not contain this provision, the House committee in its report recognized the problem and approved the practice, and the managers on the part of the House agree that it should be included in the conference substitute.

CREDITING SERVICE OF A VISTA VOLUNTEER

The Senate bill provided that service as a VISTA volunteer would be credited as if it were Federal service for purposes of determining retirement benefits under Fedral law. The House amendment did not contain this provision. The House recedes.

AUDIT REQUIREMENT

The Senate bill provided that the Comptroller General shall have access "for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title". The House amendment did not contain this provision. The Senate recedes.

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

The Senate bill provided that facilities and equipment of the closed Job Corps centers will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations, for conducting programs, especially programs providing opportunities for low-income disadvantaged youth. The House amendment did not contain this provision. The House recedes.

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

The Senate bill provided that, upon receipt of assistance under the Act, the recipient must set aside a portion of the amount received sufficient to satisfy expected liability under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act. It also provided that, upon notice from the Secretary of the Treasury, when any person otherwise entitled to receive funds under the Act is delinquent in paying these taxes, or in depositing withheld income or social security taxes, the Director must suspend payments and provide no further assistance, until the Secretary of the Treasury notifies him that the recipient is no longer delinquent or that adequate provision for payment has been made. The House amendment did not contain this provision. The conference substitute makes major changes in this provision. It does not include the requirement that recipients of assistance under the Act must set aside the amount necessary to satisfy its expected liabilities for taxes under the Acts referred to above. It also provides that when a delinquency occurs the Office of Economic Opportunity, instead of suspending all further assistance, will suspend only so much of the assistance as may be necessary to satisfy the delinquency. Further, it provides that new assistance may be given when the Director determines that adequate provision has been made for paying any delinquency which is outstanding. The conference substitute includes a further provision which states that, in order to effectuate the purposes of the section on a reasonable basis, the Secretary of the Treasury and the Director of the Office of Economic Opportunity must consult on a quarterly basis.

AUTHORIZATION OF APPROPRIATIONS

The Senate bill provided authorizations of appropriations for the fiscal year 1970 of $2,048,000,000. The House amendment in contrast authorized the appropriation for fiscal year 1970 of $2,343,000,000, of which $1,563,000,000 was authorized for carrying on programs for which the House did not make separate authorization of appropriations. The bill agreed to in conference authorizes the appropriation of $2,195,500,000 for the fiscal year 1970.

For the fiscal year 1971, the House amendment authorized the appropriation of such sums as may be necessary. The Senate bill authorized the appropriation for that year of $2,148,000,000, but, in addition, authorized the appropriation of the following:

(1) $14,000,000 for Special Impact programs under part D of title I,

(2) $240,000,000 for Project Headstart programs,

(3) $32,000,000 for Legal Services programs,

(4) $80,000,000 for Comprehensive Health Services programs,

(5) $150,000,000 for Emergency Food and Medical Services programs,

(6) $3,200,000 for the Senior Opportunities and Services programs,

(7) $15,000,000 for assistance for migrant and seasonal farm workers under part B of title III, and

(8) $50,000,000 for Day Care projects under part B of title V.

The conference substitute authorizes $2,295,500,000 for the fiscal year 1971 and authorizes the additional amounts which were authorized by the Senate bill with the following exceptions: (1) an additional authorization of $15,000,000 for family planning programs; (2) the additional amount for Headstart is reduced to $180,000,000; (3) the additional amount for Emergency Food and Medical Services is reduced to $112,500,000.

ALLOCATIONS

The House amendment did not provide allocations to specific programs of amounts appropriated, except to the extent the separate authorizations contained in the House amendment for special work and career development programs, special preschool and Follow Through programs, and intensive programs to eliminate hunger and malnutrition constituted a separate allocation of appropriations.

The Senate bill in contrast provided special allocations for a number of the programs carried on under the Act. These were the following:

(1) $890,300,000 for work and training programs under title I.

(2) $46,000,000 for special impact programs under part D of title I.

(3) $1,012,700,000 for community action programs under title II, of which $338,000,000 would be for Project Headstart programs, $60,000,000 for Follow Through programs, $58,000,000 for legal services programs, $80,000,000 for comprehensive health services programs, $25,000,000 for emergency food and medical services programs, $15,000,000 for family planning programs, and $8,800,000 for senior opportunities and services programs.

(4) $12,000,000 for rural loan programs,

(5) $34,000,000 for migrant and seasonal farm worker programs,

(6) $16,000,000 for administration and coordination under title VI,

(7) $37,000,000 for carrying out VISTA.

The conference substitute adopts the plan of the Senate bill with a major change. As adopted by the conferees, $328,900,000 must be reserved and made available for each of the fiscal years for local initiative programs

carried on under section 221 of the Act, and only the remainder of the appropriations for each such year would be allocated in the prescribed manner. The amount so reserved is not subject to transfer under Section 616 of the Act. The allocations described above are retained in the conference substitute, except that a new allocation of $20,000,000 is made for carrying out the new part E of the Act. It should be noted that the provisions of the Senate bill requiring pro rata reductions in allocations where appropriations are insufficient to make such allocations in full are retained in the conference substitute, but, of course, the funds reserved for local initiative programs would not be subject to such reductions. It should also be noted in considering these allocations that the conference substitute retains the provisions of the Senate bill which require the Director to reserve and make available not less than $10,000,000 for the fiscal year 1970 and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Alcoholic Counseling and Recovery program and to reserve and make available not less than $5,000,000 for the fiscal year 1970, and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Drug Rehabilitation program.

TRANSFERS

Section 616 of the Act authorizes 10 percent of the amount appropriated or allocated from any appropriation for carrying out any program or activity under the Act to be transferred and used for carrying out any other program or activity under the Act, but no such transfer can result in increasing the amount otherwise available for any program or activity by more than 10 percent. The Senate bill amended this provision to permit the transfer of 15 percent of the amount appropriated or allocated for a program or activity for the fiscal year 1970 and 20 percent thereafter. It also deleted the provision which limits the amount which may be transferred to any program or activity. The conference substitute modified the Senate language to provide that no more than 10 percent of the funds appropriated or allocated for one program or activity may be transferred to another program or activity during fiscal 1970 and no more than 15 percent may be so transferred thereafter. With respect to the limitations on the transfers resulting in increases in the amounts available for any program or activity, the conferees agree that for activities or programs for which $10,000,000 or less is available a maximum of 100 percent could be added. For any program or activity for which more than $10,000,000 was available no more than 35 percent may be added.

It should be noted that in at least two respects the agreement of the conferees underscores the overwhelming determination by the House of Representatives on Friday the twelfth of December that title II and the programs authorized thereunder are and must remain Community Action Programs. The elimination of the Murphy amendment relating to the governor's veto power over legal services programs and the provision of a special reservation of funds for local initiative programs underscore the intention of the conferees that the community action program was, and is intended to be, a program locally designed and locally administered. The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House committee report, the opportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of the Congress.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
JAMES SCHEUER,
FLOYD MEEDS,
W. H. CLAY,
LOUIS STOKES,
OGDEN R. REID,
JOHN DELLENBACK,
MARVIN L. ESCH,
ALPHONZO BELL,
WILLIAM A. STEIGER,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 15209, SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, BOLAND, FLOOD, and STEED, Mrs. HANSEN of Washington, and Messrs. BOW, JONAS, CEDERBERG, and RHODES.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15209, SUPPLEMENTAL APPROPRIATIONS, 1970, UNTIL MIDNIGHT TOMORROW

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on H.R. 15209, making supplemental appropriations for fiscal year 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 13111, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970, UNTIL MIDNIGHT TOMORROW

Mr. MAHON. Mr. Speaker, on behalf of the gentleman from Pennsylvania (Mr. FLOOD) the chairman of the Subcommittee on Labor and Health, Education, and Welfare of the Committee on Appropriations, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on H.R. 13111, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for tomorrow, if he is able to give us that now.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we will not ask to go over, so we will meet at 12 o'clock tomorrow.

We have outstanding, as the gentleman knows, conference reports on three appropriation bills—for foreign aid, for Labor-HEW, and the supplemental—and on the following bills:

Economic Opportunity Act Amendments, Export Control, and Environmental Quality as well as the tax bill. Of course, we know we will not get the tax bill tomorrow, but we will take up as many as possible, hopefully all of these six conference reports, the three appropriation ones and the other three tomorrow, if they are ready tomorrow.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Oklahoma.

CORRECTION OF ROLLCALL

Mr. RARICK. Mr. Speaker on rollcall No. 337, on December 18, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the Permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RESEARCH NEEDED ON MARIHUANA

The SPEAKER pro tempore (Mr. GIAIMO). Under a previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 20 minutes.

Mr. MONAGAN. Mr. Speaker, I have recently urged the establishment of a commission to determine the character or marihuana and the effect of its use in order to provide a firm factual basis upon which to found decisions as to its regulation.

I have said that the facts are not completely known and this is true insofar as ultimate conclusions are concerned. However, there are a few undisputable facts and I should like to set them out here.

13. PESTICIDES. Rep. Monagan inserted his remarks on pesticide control. p. H12810

14. BOAT SAFETY. Rep. Monagan inserted the "Sportsmen's Corner" column commenting on his boating safety bill. pp. H12810-1

HOUSE - December 20, 1969

15. SUPPLEMENTAL APPROPRIATIONS. Agreed to the conference report on H. R. 15209, the supplemental appropriation bill, 1970 (H. Rept. 91-780). This bill contains an item of $3.7 million for Flood Prevention, Soil Conservation Service, to cover damage caused by Hurricane Camille. pp. H12854-5

16. APPROPRIATIONS. Received the conference report on H. R. 13111, Labor, HEW appropriation bill, 1970 (H. Rept. 91-781). pp. H12883-6
Agreed, 181-174, to the conference report on H. R. 15149, the foreign aid appropriation bill, 1970. pp. H12840-52

17. POVERTY. The Senate agreed, 54-21, and the House agreed, 243-94, to the conference report on S. 3016, to provide for the continuation of programs authorized under the Economic Opporutnity Act of 1964, and to authorize funding of such programs (pp. S17435-49, H12855-63). This bill will now be sent to the President.

18. ENVIRONMENT. Rep. Hamilton spoke in support of legislation to restrain the destruction and fouling of our environment. pp. H12863-73

19. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Mon. the House will consider conference reports on Labor-HEW appropriation bill and the tax reform bill. p. D1241

20. ADJOURNED until Mon., Dec. 22, 1969. p. H12887

SENATE - December 18, 1969

21. FARM INCOME. Sen. Nelson submitted a proposed amendment S. 3068, to improve farm income; the proposed amendment would prevent use of farm operations as a tax shelter by individuals whose primary source of income is not from farming. p. S17333

22. FARM COMMITTEES. Sen. Eagleton inserted the address of Sen. McGovern before the national convention of the Association of Farmer-Elected Committeemen, "American Agriculture in a Hungry World." pp. S17346-48

23. CONSERVATION. Sen. Dole noted the triumph of soil and water conservation in Kansas and inserted a newspaper article. p. S. 17356

24. FOOD STAMP. Sen. Dole commented on the Secretary's announcement regarding the substantial expansion of the Food Stamp program, stating that the action "will put more food on the table of needy Americans." p. S17364

25. WHEAT. Sen. Dole inserted a newspaper article which reports that the 1967-68 wheat acreage allotment was the lowest in history and quotes the executive vice president of the National Wheat Growers Association as having said "that our dryland wheat producers are going broke." p. S17385

26. FARM PROGRAM. Sen. Dole inserted a newspaper article which examines" the aims and the details of the proposals that have been discussed with the House Agriculture Committee" and quotes Department spokesmen. pp. S17387-88

SENATE - December 19, 1969

27. APPROPRIATIONS. Agreed to conference report on H. R. 14794, Department of Transportation Appropriations for fiscal year 1970. This bill will now be sent to the President. p. S17323

Agreed to conference report on H. R. 14751, Military Construction appropriations for fiscal year 1970. This bill will now be sent to the President. p. S17310

28. FOREIGN AID. Agreed to the conference report on H. R. 14580, the foreign aid program authorizations. This bill will now be sent to the President. pp. S17301-02

29. MIGRANT HEALTH. Discharged H. R. 14733, the proposed Migrant Health Act, from committee and passed the bill with an amendment in the nature of a substitute to include language of S. 2660. p. S17320

30. MANPOWER DEVELOPMENT. Sen. Boggs submitted a proposed amendment to S. 2838, the proposed manpower training act of 1969, to insure that the Federal Government can and will provide financial support to the opportunities industrialization centers. p. S17255

SENATE - December 20, 1969

31. APPROPRIATIONS. Tabled the conference report on H. R. 15149, the foreign aid appropriations bill for fiscal year 1970; further conference with House requested and conferees appointed. pp. S17463-477

32. ENVIRONMENT. Agreed to the conference report on S. 1075, to provide for studies and research in connection with national policy on environmental quality. pp. S17450-17462

33. SUPERGRADES. Agreed to House amendment on S. 2325, to authorize the Civil Service Commission to establish additional supergrade positions. This bill will now be sent to the President. p. S17407

34. CORPORATION FARMING. The Select Committee on Small Business submitted a report entitled "Impact of Corporation Farming on Small Business," S. Rept. 91-628. p. S17408

ment insert: "$50,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$2,048,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$1,000,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,040,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$50,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$1,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 8, 13, 19, 27, 29, 32, and 33.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
TOM STEED,
DANIEL J. FLOOD,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
ELFORD CEDERBERG,
JOHN J. RHODES (except amendment No. 32),
Managers on the Part of the House.

ROBERT C. BYRD,
JOHN O. PASTORE,
SPESSARD L. HOLLAND,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN STENNIS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

CHAPTER II—INDEPENDENT OFFICES

Amendment No. 1: Appropriates $300,000 for Federal Labor Relations Council, salaries and expenses instead of $250,000 as proposed by the House and $400,000 as proposed by the Senate.

Amendment No. 2: Authorizes compensation of mediators at the rate of not to exceed $100 per day as proposed by the House instead of $150 as proposed by the Senate.

Amendment No. 3: Appropriates $700,000 for Commission on Government Procurement, salaries and expenses, instead of $500,000 as proposed by the House and $2,500,000 as proposed by the Senate.

Amendment No. 4: Reported in technical disagreement.

Amendment No. 5: Deletes $1,443,000 for Commission on Population Growth and the American Future proposed by the Senate.

CHAPTER III—DEPARTMENT OF THE INTERIOR

Amendment No. 6: Appropriates $1,250,000 for Bureau of Land Management, management of lands and resources instead of $1,000,000 as proposed by the House and $1,500,000 as proposed by the Senate.

Amendment No. 7: Appropriates $7,500,000 for Office of the Territories, Trust Territory of the Pacific Islands as proposed by the House instead of $8,380,000 as proposed by the Senate.

Amendment No. 8: Reported in technical disagreement.

Amendment No. 9: Appropriates $310,000 for Bureau of Sport Fisheries and Wildlife, management and investigations of resources, including $105,000 for preservation of the steamboat *Bertrand* and its cargo, instead of $205,000 as proposed by the House and $414,000 as proposed by the Senate.

Amendment No. 10: Appropriates $2,300,000 for Bureau of Sport Fisheries and Wildlife, construction, instead of $2,200,000 as proposed by the House and $2,600,000 as proposed by the Senate.

Amendment No. 11: Inserts heading.

Amendment No. 12: Appropriates $50,000 for National Park Service, management and protection, instead of $220,000 as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement.

Amendment No. 14: Deletes appropriation of $190,000 for National Park Service, construction, proposed by the Senate.

Amendment No. 15: Inserts heading.

Amendment No. 16: Appropriates $2,048,000 for Indian Health Services instead of $3,000,000 as proposed by the Senate.

Amendment No. 17: Appropriates $1,952,000 for Construction of Indian Health Facilities as proposed by the Senate.

Chapter IV—Departments of Labor, and Health, Education, and Welfare

CHAPTER IV—DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE

Amendment No. 18: Inserts chapter number and appropriates $1,000,000 for Wage and Labor Standards Administration instead of $2,000,000 as proposed by the Senate.

Amendment No. 19: Reported in technical disagreement.

Amendment No. 20: Deletes appropriation of $75,000 for salaries and expenses and $239,000 for construction at Gallaudet College as proposed by the Senate.

CHAPTER V—LEGISLATIVE BRANCH

Amendment No. 21: Appropriates $24,966 for the Office of the Vice President as proposed by the Senate.

CHAPTER VI—DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES

Amendment No. 22: Deletes $310,000 for Department of State, salaries and expenses proposed by the Senate for the Passport Office.

Amendemnt No. 23: Appropriates $618,000 for Department of Commerce, Environmental Science Services Administration, salaries and expenses, as proposed by the Senate instead of $418,000 as proposed by the House.

Amendment No. 24: Appropriates $1,040,000 for Department of Commerce, Environmental Science Services Administration, facilities, equipment and construction instead of $440,000 as proposed by the House and $3,582,000 as proposed by the Senate.

Amendment No. 25: Deletes $5,000,000 for Department of Commerce, Office of State Technical Services, grants and expenses proposed by the Senate.

Amendment No. 26: Appropriates $50,000 for Department of Commerce, Maritime Administration, State Marine Schools instead of $130,000 as proposed by the Senate.

Amendment No. 27: Reported in technical disagreement.

CHAPTER VII—DEPARTMENT OF TRANSPORTATION

Amendment No. 28: Appropriates $1,000,000 for United States Coast Guard, operating expenses instead of $1,200,000 as proposed by the Senate.

CHAPTER VIII—TREASURY DEPARTMENT

Amendment No. 29: Reported in technical disagreement.

CHAPTER IX—CLAIMS AND JUDGMENTS

Amendments Nos. 30 and 31: Appropriate $25,021,852 for claims and judgments as proposed by the Senate instead of $24,491,433 as proposed by the House.

CHAPTER X—GENERAL PROVISIONS

Amendment No. 32: Reported in technical disagreement.

Amendment No. 33: Reported in technical disagreement.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
TOM STEED,
DANIEL J. FLOOD,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
E. P. CEDERBERG,
JOHN J. RHODES (except amendment 32),
Managers on the Part of the House.

CONFERENCE REPORT ON S. 3016, ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 19, 1969.)

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 1 hour.

HAPPY BIRTHDAY, MR. SPEAKER

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. I appreciate the gentleman yielding. I take this time to advise the House that this is the eve of the birthday of the world's greatest living legislator, our distinguished and respected Speaker. I join all Members of the House in wishing that tomorrow may be the happiest birthday in the life of our great Speaker, and that he may have many more of them as well as many more years of service in this House and to the people of this great country. Happy birthday, Mr. Speaker.

Mr. GERALD R. FORD. Mr. Speaker,

will the distinguished gentleman from Kentucky yield?

Mr. PERKINS. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I can only echo, reiterate, and magnify the words spoken by the distinguished majority leader. It has been a great privilege to serve with the Speaker this year, and I wish him happiness for many more years in the future.

Mr. PERKINS. Mr. Speaker, I likewise echo what has been said by both the majority leader and the minority leader. All of us wish you well for many, many more happy birthdays. You have served this House so ably and well for a long period of time. We all appreciate it.

Mr. Speaker, I call up the conference report on the bill S. 3016 to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize funding for those programs, and for other purposes.

I am happy to tell the Members that the bill we have brought back from conference is in substance the same bill passed by the House 8 days ago.

There were some slight modifications in which both sides gave ground. This is as it should be, and as it has to be in good faith negotiations between the two bodies of this Congress. The essential thing to remember as far as the House is concerned is that we did not give away anything.

The bill agreed to in conference authorizes the appropriation of $2,195,500,000 for the fiscal year 1970 to carry out the programs established under the act. This is a down-the-middle split between the lesser amount authorized by the Senate bill and the greater amount contained in the House version.

For fiscal year 1971, the House bill had authorized the appropriation of such sums as were necessary. The Senate bill set a specific figure of $2,148,000,000, plus $240,000,000 for Project Headstart; $14,000,000 for special impact programs under part D of title I; $32,000,000 for legal services; $80,000,000 for comprehensive health services; $150,000,000 for emergency food and medical services; $3,200,000 for senior opportunities and services programs; $15,000,000 for assistance for migrant and seasonal farm workers programs under part B of title III; and $50,000,000 for day-care projects, part B of title V.

The bill we brought back from conference authorizes $2,295,000,000 for the fiscal year beginning next July 1, plus the amounts authorized by the Senate bill, with these three exceptions:

First, an additional $15,000,000 for family planning programs;

Second, the additional amount for Headstart would be $180,000,000; and

Third, the additional amount for emergency food and medical services would be $112,500,000.

Among other items, the Senate receded from its so-called Murphy amendment. That amendment would have permitted a Governor to veto any legal services contract, agreement, grant, loan, or other assistance, and permitted only a nondelegable override authority to the President.

This feature did not occur in the House bill, and it aroused the stringent objections of the American Bar Association, an organization that has been in the forefront of the fight to bring legal representation within reach of the very poor.

The Senate also gave ground on the Legal Services amendment by the House, which limited the types of "counseling, education, and other appropriate services" which could be provided under legal services programs to "legal counseling, education in legal matters, and other appropriate legal services." The House amendment remains in the bill.

Mr. Speaker, one of the most difficult issues we had to resolve with the Senate concerned section 616 of the act, providing for the transferability of funds from one program to another.

This section presently authorizes and permits 10 percent of the amount appropriated for carrying out any program under the act to be transferred to any other program under the act. But this transfer may not result in increasing the amount otherwise available to the beneficiary program by more than 10 percent.

The Senate bill would have permitted 15 percent to be transferred during the first fiscal year of the new authorization, and 20 percent during the second. It took the ceiling off the amount by which the beneficiary program could be increased.

The House was content to let present law stand. Nothing to disturb those percentages was included in the House bill.

In the negotiations of Wednesday and Thursday, however, we were obliged to recede somewhat, and accept some of the Senate demands.

The conference bill leaves the 10-percent transferability figure intact for fiscal year 1970, but increases it to 15 percent for fiscal 1971. With respect to the limitation on the amount a beneficiary program can receive from such transfer, we agreed that in the case of a program for which $10,000,000 or less is available, a maximum of 100 percent may be added. For any program with more than $10,000,000 available, no more than 35 percent may be added.

Now, Mr. Speaker, the House bill did not provide allocations for specific programs of the amounts appropriated, except for a few instances involving special work and career development programs, Headstart and Headstart Follow Through programs, and the intensive programs to eliminate hunger and malnutrition.

The Senate bill provided special allocations for a number of programs carried out under the act. Briefly, these included:

First, $890,300,000 for work and training programs;

Second, $46,000,000 for special impact programs;

Third, $1,012,700,000 for community action programs including $338 million for Headstart, $60 million for Headstart Follow Through, $58 million for legal services, $80 million for comprehensive health, $25 million for emergency food and medical, $15 million for family planning, and $8.8 million for Senior Opportunities.

Fourth, $12,000,000 for rural loans;

Fifth, $34,000,000 for migrant and seasonal farm workers;

Sixth, $16,000,000 for administration and coordination under title VI; and

Seventh, $37,000,000 for VISTA.

The conference bill adopts the plan of the Senate bill, with a major change. As adopted by the conferees, $328,900,000 must be reserved and made available for each of the 2 fiscal years involved for local initiative programs carried out under section 221 of the act. Only the remainder of the appropriations for each fiscal year would be allocated in the prescribed manner. The amounts so reserved are not subject to transfer under section 616 of the act.

Mr. Speaker, for the better understanding of the Members of the earmarking features of the House bill, the Senate bill, and the conference bill, I include these tables:

FISCAL 1971

The earmarks in fiscal year 1971 are identical to those in fiscal year 1970. However, several new authorizations are provided as additions to those already contained in the bill. These are as follows:

	Senate bill	Conference report
Unearmarked money	$100,000,000	$100,000,000
Special impact	14,000,000	14,000,000
New careers and mainstream		34,700,000
Headstart	240,000,000	180,000,000
Legal services	32,000,000	32,000,000
Comprehensive health	80,000,000	80,000,000
Emergency food and medical	150,000,000	112,500,000
Family planning		15,000,000
Senior opportunities	3,200,000	3,200,000
Migrants	15,000,000	15,000,000
Day care	50,000,000	50,000,000

The fiscal year 1971 authorization in the Senate bill was 2,732,200,000. The House bill was open-ended. The conference report total for fiscal year 1971 is 2,831,900,000:

FISCAL 1970

	House bill	Senate bill	Conference report
Grand total	$2,243,000,000	$2,048,000,000	$2,195,500,000
Title I		890,300,000	890,300,000
Operation Mainstream and New Careers	110,000,000		20,000,000
Special impact		46,000,000	46,000,000
Total, title I		936,000,000	956,000,000
Title II:			
Headstart	458,000,000	338,000,000	398,000,000
Follow Through	120,000,000	60,000,000	90,000,000
Legal services		58,000,000	58,000,000
Comprehensive health		80,000,000	80,000,000
Emergency food and medical	100,000,000	25,000,000	62,500,000
Family planning		15,000,000	15,000,000
Senior opportunities		8,800,000	8,800,000
Alcoholic recovery		10,000,000	10,000,000
Drug rehabilitation		5,000,000	5,000,000
Other—title II		426,400,000	[1] 434,400,000
Total, title II		1,012,700,000	1,140,200,000

Footnote at end of table.

FISCAL 1970—Continued

	House bill	Senate bill	Conference report
Title III:			
Rural loans		$12,000,000	$12,000,000
Migrants		34,000,000	34,000,000
Title VI, Administration		16,000,000	16,000,000
Title VIII, VISTA		37,000,000	37,000,000

[1] $328,900,000 is for local initiative.

Mr. Speaker, I personally feel that the most important feature of the conference bill is the implicit endorsement of the principle of community action.

Title II of the 1964 act began:

The purpose of this part is to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty through community action programs.

I submit that this bill, like the House bill, is a ringing restatement of our belief in that purpose.

Efforts have been made, in and out of the Congress, to divert us from our course; to turn our backs on the local communities; and to give major responsibility to the State governments for operation of the antipoverty programs.

That issue was fought out on the floor of this House last week. The House acted decisively to head off the drive toward a State takeover.

The House said—clearly enough to be heard all over this land—that the focus of our antipoverty efforts must be where poverty is, and that is in the local communities.

It said that the local people, the local elected officials and community social service agencies, the local poor people themselves, should have the lead in developing and carrying out their programs.

There can be no misunderstanding about that.

I know there may be some disappointment in some of the State OEO offices in State capitals around the country. Some of them were gearing up for the seizure last week.

I am told that on Thursday evening, December 11, some fellow from the office of the Governor of my State held a meeting with the CAP directors and outlined to them the plans that were ready to go into effect.

Generally, I do not like to discommode a fellow who has his heart set on something as strongly as that. But, Mr. Speaker, he jumped the gun. He was half-way around the track before the House blew the whistle on him last Friday night, December 12, and said: "Look here, boy, you are going in the wrong direction."

We told him in no uncertain terms that it was not going to be his responsibility to take over and run this or that CAP agency; that he was not going to get to say which agency gets closed down and which is allowed to operate. We told him that those matters are going to be left up to the local communities, acting within the guidelines of the Economic Opportunity Act, as amended in 1967.

This House and the Congress specially declined to amend the act in 1969 in this report. The preference for local designation and local running of community action programs remains the law of the land. The law expresses an intention that this preference not be tampered with.

The conference bill underlines that resolve in two particularly clear instances. These were the elimination of the Murphy amendment relating to the Governor's veto over legal services programs; and by providing a special reservation of funds for local initiative programs.

Those actions spell out the intention of the conferees and the Congress itself that the community action programs are and are intended to be locally designated and locally administered.

It was explicitly brought up during the conference by Representative BRADEMAS that the report should make clear that nothing in this legislation is intended to expand the role of the States in planning, designing, or administering the antipoverty programs. There was no objection raised on either side of the conference table.

On behalf of the people of the local communities, we are saying to the Governors and to the State governments, "We welcome your cooperation and your help."

And we are saying to Director Rumsfeld that we encourage exploration of ways to improve the coordination of State and Federal with local poverty efforts. But we do not intend that you should reverse the decision so forcefully made by this House on December 12 that the preference for local power and local decisionmaking in the poverty area is to remain.

The defeat of those who would have taken local power and local control and replaced it with State control and State power to run poverty programs is a clear expression of the will of this Congress. Any retreat in the direction of surrendering power to the States will be a clear violation of congressional intent.

The degree to which Governors and State economic opportunity agencies should be permitted to expand their efforts in the poverty area must depend upon the degree to which they are willing to cease interference with the local decisionmaking process; the degree to which they cooperate with the Federal poverty program and with the policy that the Congress is enunciated; and to the degree to which they are willing to supplement Federal and local resources with meaningful financial assistance from the States.

The past record of a number of Governors and State agency personnel is replete with attempts to use these programs for political purposes; with efforts to override or interfere with local decision as to the hiring of staff and with local decision with respect to the nature of programs. This sort of interference must cease.

Mr. Speaker, I submit that the bill we have returned from conference is a good bill and a constructive bill. It is substantially what the President said he wanted, and what Director Rumsfeld said he wanted.

It will, I believe, give the Director the tools he needs to carry out the great program begun with the 1964 act.

Mr. Speaker, I would be remiss if I did not at this point recognize the hard work and the dedication of the participating House conferees throughout the 2 days of sessions we held with the Senate.

I appreciate their good work, and their diligence in upholding the position of the House.

We had not really anticipated a lengthy conference, since the issues outstanding between the two bills were not major. But it was prolonged over 2 days, and Senator NELSON of Wisconsin, the conference chairman, was eminently fair and took pains to see that everyone had an opportunity to speak his piece.

Again I thank all of the conferees for their patience and their tremendously valuable contributions in perfecting the economic opportunity legislation.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I congratulate the distinguished gentleman from Kentucky for the manner in which he handled this conference and the manner in which he preserved so excellently the position of the House in this.

Particularly am I impressed by the statement the gentleman made just now that we have through this action sustained and retained the complete autonomy and authority and emphasis of the urban areas and the rural areas in trying to resolve the problems where they are the greatest. I think as time goes on and we see the various programs which the communities are developing within their own resources and their own communities, we will see the wisdom of the Congress in remaining with this principle.

I would certainly like to congratulate the chairman. I remind him of the letter I read here on the floor of the House at the time of the debate, from my own mayor, Mayor Daley, in which he pointed out many of these poverty programs are a continuation of the local community programs to deal with the problems and that we should preserve that principle.

I thank the gentleman and congratulate him for indeed preserving that principle in this bill.

Mr. PERKINS. That was the issue before the House, and the vote preserved that principle, to make sure that the local initiative and the local programs were not destroyed.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am going to yield to you right away.

Mr. STEIGER of Wisconsin. On this point?

Mr. PERKINS. All right. On this point.

Mr. STEIGER of Wisconsin. I simply want to make the record clear on your statement that—

Nothing in this legislation is intended to expand the role of the States in planning, designing or administering the antipoverty program—

Reading language that was deleted from the conference report, and I simply cannot let this time go by without objecting to the language used by the gentleman from Kentucky in the statement he has just made about any agreement that may or may not have been reached in the conference on the question of increasing the State role. The gentleman from Kentucky is well aware that the conference report to which I affixed my signature on the basis of a language change that was made, which was not, I must say, as much as I would have preferred, says this:

The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House committee report, the opportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of the Congress.

I will say to my friend from Kentucky that this is the intent of the conference. That is the intent of the managers on the part of the House and I do not wish the RECORD to show you or I or any other Members of the Congress have decided to go beyond that. That is the language to which we have agreed. Beyond that we have not gone.

Mr. PERKINS. Let me say to my distinguished colleague that I do not think there is much difference in our viewpoints. I agree to the language that you just read: That the States should not dominate and overrun a local CAP agency, and that is the part you put your signature to and agreed to, and there is nothing in here that is inconsistent with that.

Nowhere in this bill do we increase the authority of the States anywhere, and we do not diminish that authority, either. We simply state where a State tries to dominate a local community action agency that a preference goes to the local community action agency and the State cannot interfere.

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. PERKINS. I yield further.

Mr. STEIGER of Wisconsin. For one further statement on this matter?

Mr. PERKINS. Yes.

Mr. STEIGER of Wisconsin. I value and appreciate the statement of the gentleman from Kentucky. We have not increased nor have we diminished that which is presently in the act insofar as the authority and the direction for operation in cooperation with the States, if he so desires, so long as this is consistent with the Economic Opportunity Act of 1964 as amended previously and as amended by this conference report. I will say further, Mr. Speaker, that I support this conference report and trust it will be adopted by the House.

I am pleased that the provisions adopted by the other body relating to legal services were dropped. I regret that the House provisions regarding providing funds on an unearmarked basis were not maintained and that less flexibility was given the Director than provided in the Senate-passed bill.

I appreciate the cooperation of the chairman of the full committee in enabling me to serve as a member of the conference.

Lastly, Mr. Speaker, adoption of this report grants to OEO and its Director, Don Rumsfeld, the charter they have for so long been denied. Approval does not indicate agreement with the way this agency has operated in the past. Change is needed but I am confident Mr. Rumsfeld will now be able to get about the business of administering the agency and fulfilling the important role given to it by President Nixon.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Because the chairman of our committee made reference to my own remarks during the conference, I want simply to affirm that I did go to some pains to express my own feelings and I felt it was concurred in certainly by those of us on the majority side that nothing in the language of the report should be permitted to be interpreted as providing authority to the Director of the Office of Economic Opportunity to be delegating authority for programs to the State governments.

The reason why I offered that observation was twofold: In the first place, the House of Representatives had, on the Friday before our conference made abundantly clear, a rollcall vote, the margin of which was 68 votes, that we rejected the effort that was made by a number of our colleagues in the House to take the programs of the Office of Economic Opportunity and substantially turn them over to the State governments. It was very clear, therefore, that when I made the observation I did that I was able to point to the strongly expressed attitude of the House of Representatives on that particular point. That is what the fight was all about a few days ago.

And the second reason that I offer my observation with respect to this particular point is that I felt it should be made affirmatively clear in the report so there would be no misunderstanding that the Director of OEO is not going to be able to come up with some contrived justification whereby he might say, "Oh, well, I do have authority over there or over here in this part of the bill to give some authority or other over to the control of the States." This statement on my part in no way diminishes my agreement with the language of the report that it is appropriate for the Director of OEO to explore along the lines as previously mentioned throughout the House committee report, avenues for greater State involvement in the proverty program.

I thank the chairman for yielding and I hope this helps clarify the subject of our discussion.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. I thank the chairman for yielding.

I would say to the gentleman from Indiana (Mr. BRADEMAS) when he said he went to great pains, that I did go through some pain—I felt the pain when he made clear in the conference that the substitute concept did not prevail. I recognize—although I did not say anything about it in conference—that the House refused to take the action which would have required the Director to enter into agreements with the States. However, I heard no agreement on the part of the conferees of the Senate nor any agreement on the part of the members of the House conferees on the Republican side of the aisle to what he said. I noticed that, they too, had a few pained looks.

What I would like to have clear is that the words that were stated in the report of the House on H.R. 12321 were to the effect that the Governors of the several States would be quite satisfied with the effective implementation of the 1967 amendment, and the chairman has no desire, I ask, or the conference report to remove any of the opportunity the Director has to involve the States as was written into the 1967 amendment?

Mr. PERKINS. I think it has been the intent of the Congress all the way along to maintain State involvement where they have good technical assistance programs like they have in some of the States and where there is splendid cooperation. There is room under the legislation for constructive involvement on the part of the States. But on the other hand where the States are not competent and refuse to cooperate and coordinate poverty programs with the local agencies and just want to dominate the local communities—we, by our vote last week and by this conference report certainly, say to those States that want to go beyond the existing authority and dominate local programs, that you do not have any such authority to dominate and overrun and overpower the local CAP agencies, local municipalities, and counties involved in the local effort where there is a dispute. We are saying that the decision should be made in favor of the local agency.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, the gentleman did not answer the question which I asked.

The 1967 amendments were not reversed in any way by the language in the conference report. Am I correct?

Mr. PERKINS. The 1967 amendments are not reversed. But in those cases where the States are not competent and where they are interfering with the local CAP agencies, then it is the clear intent of this conference report to put the Director on notice that the decisionmaking role belongs to the local CAP agencies.

But on the other hand, when there is perfect cooperation we do not undertake to diminish any authority that existed in the 1967 limitation.

Mr. QUIE. If the gentleman will yield further, let me ask the gentleman specifically, because the same sentiments that the chairman is now indicating were the same sentiments that I made on the floor about the substitute: That it does not permit the State to dominate, or if the State could not put together a developmental and coordination program acceptable to the Director of OEO, he would not approve it. However, the Director has the power to initiate the purposes of the substitute offered by Mr. AYRES. Let me read the language in section 231(c). It says:

In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies pursuant to which they will act as agents of the United States for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this title.

This is in the present act.

What I ask the gentleman from Kentucky is this: Has section 231(c) been repealed at all by the intent of the conference report?

Mr. PERKINS. My answer to the question asked by the gentleman from Minnesota is that we do not diminish the authority of the States——

Mr. QUIE. No, I was referring to section 231(c).

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding, and I would ask the gentleman that the answer, would the gentleman not agree, to the question posed by the gentleman from Minnesota is a clear and categorical "no." We leave the present law as we find it in this conference report. A State may under the 1967 amendments become a community action agency. It may, if it so elects. But under the Hawkins amendment to the 1967 amendment offered by the gentlewoman from Oregon, a local community, be it a city, a county, a township, or a local community, may opt out, and it then retains its full control, full autonomy over the management of its programs subject only to the agreement and arrangements with the Director of OEO. Is that not correct?

Mr. PERKINS. That is correct.

Mr. Speaker, I want to refer the distinguished gentleman from Minnesota to page 18 of the conference report, and I think we should read this language at this point:

It should be noted that in at least two respects the agreement of the conferees underscores the overwhelming determination by the House of Representatives on Friday, December 12, that title II and the programs authorized thereunder are and must remain community action programs. The elimination of the Murphy amendment relating to the Governor's veto power over legal services programs and the provision of a special reservation of funds for local initiative programs underscore the intention of the conferees that the community action program was, and is intended to be, a program locally designed and locally administered. The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House committee report, the oportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of the Congress.

I think that answers the gentleman's question. We do not want to diminish the authority where there is cooperation between the local Community Action agencies and the States, and no authority is diminished. But where there is domination and they are trying to overrun local control, the conference report makes it clear that the preference must be in behalf of the local agency.

Mr. QUIE. I thank the chairman for his answer which was an affirmative answer to the gentleman from Illinois.

Let me just ask one last question in this regard, and that is in regard to changes presently proposed for increasing the State involvement and participation by the Director of the OEO—and I am talking specifically of the proposals spelled out by his assistant, Frank Carlucci. Can the Director make the changes for increased State involvement which he has proposed?

Mr. PERKINS. It is not the intention of the conference report to inhibit State involvement where there is complete cooperation and coordination between the State offices and the local CAP agencies and local municipalities. But where there is a disagreement and a State undertakes to dominate or overrun a community and we have conflict between a State and a local CAP agency, the regulations should not contravene the principle of giving priority to the local communities. If they do, then to that extent there would be a conflict with our intent and the regulations would have to be modified.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. In the gentleman's estimation, then, the State can assist but not dominate. As the gentleman knows, I strongly favored earmarking the local initiative funds in the conference report, as indicating also my strong desire that the local communities be able to have the final say in anything in their local community.

Mr. PERKINS. Yes. You and I agree. The local community should have the final say.

Mr. QUIE. That is correct.

Mr. PERKINS. That is what this conference report says.

Mr. QUIE. Mr. Speaker, I did not sign the conference report on the Economic Opportunity Act authorizing legislation for a number of reasons.

No. 1, the President stated earlier this year that OEO was to become a research and innovative agency, and operating programs would be spun-off to traditional agencies. So far, Legal Services, an operating program remains with OEO. I know there are no plans at present to transfer or delegate Legal Services, nor is there an existing agency which would easily assume the administration. However, we should be aware that at present, this program is beginning to fragment in OEO, since VISTA has now gotten into the act and a substantial number of attorneys are assigned to VISTA. Model Cities in HUD has Legal Service attorneys. If the administration should want to consolidate Legal Service programs outside of OEO, the provision in the conference report accepted from the Senate bill would prohibit any delegating of legal services.

Another feature of which I did not agree was the change in section 616 of the Economic Opportunity Act. The present law provides that the Director can shift up to 10 percent of the funds away from any program over which he has authority and may also add 10 percent to any program over which he has authority. I always felt that this was too great a latitude to give the previous Director of the OEO, and therefore feel that a liberalization of this proposal would not be wise at present. If the present Director wants to make a substantial change in programs with shifts in funds from that of which he has already indicated he would expend in his budget presentation to the Appropriations Committee, he should come to the Congress and explain those changes. The Senate amendment to section 616 would have changed the section so funds could be shifted away from any program in the amount of 15 percent in fiscal year 1970 and 20 percent thereafter. No limit was placed on the amount that could have been added to any program. As you see, the conference report changed the above 15 percent back to 10 percent for fiscal 1970 and it permits the shifting of 15 percent away from any program after this fiscal year. The conference agreement, with which I do not agree, also permits a transfer resulting in increases up to 100 percent for a program which is funded at $10 million or less and an increase of 35 percent if a program is funded at $10 million or more.

I am not in disagreement, however, with all changes in the House bill where the House conferees accepted Senate amendments. The program on alcoholism is well advised and I do hope the Director will fund it as best he can, since alcoholism is undoubtedly one of the major causes of poverty, malnutrition and family suffering.

Another change which was well advised is the amendment to Headstart which will permit commingling of Headstart funds for poor children with other funds for nonpoor children in order that Headstart programs may be integrated. While I strongly support integration on the basis of race, I also believe strongly in integration of people of different economic levels. I believe that it can be as debilitating to segregate people who are poor as it is to segregate people who are of a minority race group.

The conference agreed to a change in the Senate language which I proposed, which wil require rather than permit the payment of cost of Headstart for the nonpoor either from the family or from other local sources and in the case of the children of the near-poor who need some Headstart experience, a partial payment would be all that was required. I hope in the case of partial payment, the OEO Headstart costs will never be any greater than the present costs for the 10 percent of each class whose parents exceed the poverty level.

I do want to reiterate, however, the words of the Conference report that "participation by persons who are not of low income makes a positive contribution to the programs." Persons who are not of low income refers here not only the near poor, but the will to do as well.

Lastly, while I said above there should be no State domination and my efforts for the substitute indicated that it would not have provided for State domination, I also oppose Federal domination. I believe there should be Federal, State and local partnership. The only way that can occur is for State to have an opportunity to coordinate programs to help the poor. I am still convinced that our efforts in the House to substitute were right though unsuccessful. Unless the Director comes to that conclusion, the programs will continue to be dominated by Washington.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. DELLENBACK. I do not want to replow the ground that has been discussed for the last 15 or 20 minutes, but I just want to be absolutely certain, if I may direct an inquiry to the gentleman in the well, that the statement of the managers on this measure, as signed by 13 members of the chairman's party and as signed by 5 members of our party, is, as I understand it, a statement to which we all have agreed on this point which has been under discussion.

Mr. PERKINS. The statement of the managers has been given to you along with the signatures of those who agree with it. As the gentleman knows the conference report is controlling and its language is explicit and clear. I do not think it can be misunderstood. It continues the Director's authority to seek the cooperation of the States. But where there are politics being played and the State tries to dominate the local communities, at that point we give preference to the local communities to make the determinations.

Mr. DELLENBACK. I want to pin this point down because there seems to be some difficulty in staying on the specific point involved.

Things that are stated in conference are interesting but not binding, and things that are said here on the floor——

Mr. PERKINS. I do not agree. Things that we say in conference may not be binding, but what we say in the conference report is binding.

Mr. DELLENBACK. Exactly.

Mr. PERKINS. That is correct.

Mr. DELLENBACK. Any references that are made by any of us, including the gentleman in the well, to discussions that may have taken place in the conference committee, but are not reflected in the conference report, are not to be interpreted as binding upon any of us.

Earlier reference was made by the gentleman to a statement allegedly made by the gentleman from Indiana with which some of us do not agree. We did not agree at the time. The statement to which we do not agree is that which is spelled out in the conference report. I do not think the language is ambiguous. State operation not being intended is very clear. But I think also the statement that, "The managers on the part of the House encourage the Director of OEO to explore opportunities for increased State involvement," in accordance with the law, is also equally clear.

Mr. PERKINS. Let me say to my distinguished colleague from Oregon, on behalf of the people of the local communities, we are saying in the conference report to the State Governors, "We welcome your cooperation and your help." We are saying to Director Rumsfeld, "We encourage exploration of ways to improve local, State, and Federal coordination. But we do not intend that you should reverse the decision so forcefully made by this House on December 12 that the preference for local power and local decisionmaking in the poverty area is to remain."

That is what we are saying, and that is my answer to the gentleman. The degree to which Governors and State economic opportunities agencies should be permitted to expand their efforts in the poverty area must depend upon the degree to which they are willing to cease interference with the local decisionmaking process, the degree to which they cooperate with the Federal poverty program and with the policy that the Congress has enunciated, and the degree to which they are willing to supplement the Federal and local resources with meaningful financial assistance from the States. That is what we state in the conference report.

Mr. DELLENBACK. I appreciate the statement of the chairman that it is the language of the conference report that is binding upon the House.

Mr. PERKINS. The language of the conference report is binding.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, included in the conference agreement is language which, among other things, amends existing law allegedly giving to members of the Armed Forces and their immediate families certain legal assistance if they come within the poverty laws. This is existing law. It is section 222 of (3) (a) of 43 U.S.C. 2809, and these people are covered now. Should they come within the poverty laws? This seemed to me to be so unnecessary that I called on the Secretary of Defense to see whether or not we had people living in poverty and what his opinion was of this, which seemed to me an unnecessary, almost ridiculous amendment. If military people are living in poverty, they come under the Poverty Act, but because they are, after all, citizens as well as anybody else.

If every time they get help the Department of Defense has to go and transfer money, this seems to me just doubly ridiculous—the transferring of money for services people are entitled to also within the military. We have our judge advocates general of the three services located throughout the country. Wherever anybody needs help within the military they always get it. Here is my question. It seemed to me highly unnecessary. We do not need it.

The Secretary of Defense has said this is unwarranted and unneeded. I ask unanimous consent that I may include in the RECORD at this point a letter from the Secretary of Defense on the subject.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The letter is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., December 20, 1969.

Hon. L. MENDEL RIVERS,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for comments on a proposed amendment to Section 222(a)(3) of the Economic Opportunity Act of 1964, as amended.

The proposed amendment provides as follows:

"Members of the armed forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases where extreme hardship (determined in accordance with regulations of the director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the director to expand or enlarge existing programs or to initiate new programs in order to cary out the provisions of this sentence unless and until the Secretary of Defense assumes the costs of such services and has reached agreement with the director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

This amendment is unnecesary in view of the specific language in the present law which provides that legal services may be provided for persons living in poverty. Military personnel who are deemed to be "persons living in poverty" are presently covered in the law.

Since the amendment is unecessary, its net effect is to transfer appropriated funds from the Department of Defense to reimburse the Office of Economic Opportunity for any services provided for members of the armed forces and their immediate families, a clearly inefficient arrangement.

As you know many types of legal services are provided to our military personnel by legal assistance offices established in the headquarters and field offices of the Judge Advocates General of the three miiitary departments.

If the intent of the amendment is to assure more complete legal services for extreme hardship cases of military members, it is our view that such services could be more efficiently administered by the Department of Defense.

I understand that members of our respective staffs have met on this matter. At that time we furnished your staff a detailed analysis and supporting data.

Sincerely,

MEL LAIRD.

I would like to ask the distinguished gentleman what his opinion is of this amendment.

Mr. PERKINS. Mr. Speaker, I personally believe that the Secretary of Defense controls this amendment altogether. I personally feel that the amendment is meaningless for all intents and purposes, because a close reading of the amendment with respect to legal programs in the conference report will show the gentleman the last sentence states:

Provided, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence.

In other words, there must be a meeting of the minds between the Secretary of Defense and the Director of the Office of Economic Opportunity. If the Secretary of Defense takes a notion not to sit down with the Director of the Office of Economic Opportunity and agree on something, the amendment is perfectly harmless and does not carry any import I can see.

Mr. RIVERS. Mr. Speaker, this is my construction. I thank the gentleman.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Ohio (Mr. AYRES).

(Mr. AYRES asked and was given permission to extend his remarks at this point in the RECORD, and to include a letter from the assistant director of the National Governors' Conference to Mr. AYRES, and a copy of the assistant director's letter to OEO.)

Mr. AYRES. Mr. Speaker, under permission granted, I include the following letters:

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., December 15, 1969.

Hon. WILLIAM H. AYRES,
Washington, D.C.

DEAR MR. AYERS: Thank you for your personal leadership to make OEO programs more responsive to the needs of the poor through a closer coordination with related programs at the state level.

I am convinced that the substitute bill would have made it possible in many states to shift from token oriented, project by project grants to a fully coordinated, statewide effort to eliminate the causes of poverty.

Enclosed is a copy of my letter to Director Rumsfeld in which we pledge our continued cooperation. Perhaps, through a more aggressive implementation of OEO guidelines we can achieve some of the objectives of the substitute bill.

Please call upon me or this office whenever we may be of assistance to you. Kindest regards for the holidays and the new year.

Most sincerely,

JAMES L. MARTIN,
Assistant Director.

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., December 15, 1969.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. RUMSFELD: Congratulations on your hard-won victory to extend OEO authorization for two years without amendments. However, I must agree with Congressman Ayres that the substitute amendments would have made services for the benefit of the poor more effective through a new partnership with the states.

If you can continue your efforts to redraft and strengthen the guidelines for state participation in OEO programs, I am confident that we cannot only avoid future confrontations but work together for the strengthening of OEO and its programs.

We stand ready, as in the past, to assist you and your staff whenever possible.

Most sincerely,

JAMES L. MARTIN,
Assistant Director.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

(Mr. PUCINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I will insert in the RECORD an article from the Chicago Tribune from this morning, calling attention to some of the practices of the OEO attorneys in Chicago.

I was happy to join my distinguished chairman in voting against the Murphy amendment because I had great confidence in our former colleague, Mr. Rumsfeld, and his ability to bring some order to this agency.

I hope the gentleman discussed in this article will be one of those to be severed from this agency for his foolishness as reported in the article this morning.

Mr. Speaker, I include at this point the clipping from the Chicago Tribune:

PATRIOTISM A BAD WORD TO OEO

(By Willard Edwards)

WASHINGTON, December 19.—The principal of the Church Rock, N. M., elementary school was staggered last Nov. 12 to receive a threatening letter from the government. It warned him that he was polluting the youthful minds entrusted to his care and might be the subject of legal action if he persisted in his "offensive" tactics.

The letter was signed by Stephen B. Elrick, an attorney employed at taxpayers' expense in the legal services section of the office of economic opportunity. He is one of 1,850 lawyers now on the federal payroll who provide "legal assistance" to poor people.

Claude Hinman, principal of the school, which as an enrollment of 99 per cent Indian children, learned that he had been guilty of the crime of stimulating patriotism in his charges. He had approved a program to give them "an awareness of the greatness of their country."

"They ought to have an awareness of the faults and errors of their country, as well," wrote Elrick. "It is especially appalling that Indian children are being forced to participate in this program, when it is their people who have been treated most shabbily of all by the United States."

Elrick expressed his horror at a statement by a Mrs. Stafford, a Negro teacher in the school, who had said: "We should indoctrinate every child with the idea of being loyal to his country."

That was a "sorry philosophy," Elrick declared, for a public school "which should be dedicated to the concept of . . . the presentation of all sides of disputed issues." He continued:

"I find it particularly offensive that you are apparently associating 'patriotism' with support of the war in Viet Nam, which is unquestionably the most controversial war of our time and, in the opinion of many, the most brutal and unjustified."

Elrick then turned his attention to the school bulletin board on which some child had printed "God Bless America."

"It is deplorable," he wrote, "for you to stimulate the expression of what is, in effect, a prayer in violation of the Supreme court's ruling that public schools are to refrain from such activities.

"There is simply no need to offend the sensibilities of some persons by indirectly stimulating the establishment of the Christian (or Jewish) faith among a people who have traditionally held conflicting religious beliefs."

The letter concluded with an ultimatum. If "balance" was not restored to the school programs, "I shall take whatever steps I can to investigate the matter myself and, if necessary, institute legal proceedings."

Principal Hinman referred the letter to School Supt. W. B. Fitzsimmons, who appealed to Sen. Paul J. Fannin (R., Ariz.).

"This is both incredible and awesome," remarked Fannin. "Here we have an OEO staff member who apparently thinks that loyalty to one's country is a 'disputed issue.'"

He fired off a letter Dec. 8 to Donald Rumsfeld, OEO director, suggesting that he inquire into "the continued usefulness of Mr. Elrick in this or any other program in which he is paid by tax money."

Such incidents, he noted, had caused the Senate to approve an amendment to the OEO authorization bill, sponsored by Sen. George Murphy (R., Cal.), giving governors of states control over legal programs for the poor. The House balked and the amendment died in conference.

Rumsfeld, who has been very busy fighting for the life of his agency, hasn't yet replied, but Fannin is confident that the former Illinois congressman will join him in agreement that the teaching of loyalty to the United States is not taboo in American schools.

Mr. SCHERLE. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I appreciate the gentleman from Kentucky yielding.

Mr. Speaker, I want to make this statement before we proceed. Historically speaking, this OEO program has no respect whatsoever for any existing Government agency. They have shown a determination to usurp practically all the powers and rights and functions of these other offices. They are involved in almost everything and nothing is sacred. It is an ineffective, bureaucratic, bumbling, corrupt, scandal-ridden organization to the core and does more to bring alienation against all phases of government than all other departments combined.

Mr. Speaker, our office is going to keep a daily running account of the OEO just to prove that this leopard cannot change its spots.

Mr. PERKINS. I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 94, not voting 96, as follows:

[Roll No. 347]

YEAS—243

Adair	Hammer-	Patten
Adams	schmidt	Pelly
Albert	Hanley	Perkins
Alexander	Hanna	Pettis
Anderson,	Hansen, Idaho	Philbin
Calif.	Hansen, Wash.	Pickle
Anderson, Ill.	Harvey	Pike
Anderson,	Hathaway	Pirnie
Tenn.	Hawkins	Podell
Andrews,	Hechler, W. Va.	Pollock
N. Dak.	Helstoski	Preyer, N.C.
Annunzio	Hicks	Price, Ill.
Ashley	Hogan	Pryor, Ark.
Aspinall	Hollfield	Pucinski
Barrett	Horton	Railsback
Beall, Md.	Hosmer	Reid, N.Y.
Bell, Calif.	Howard	Reuss
Biaggi	Hungate	Rhodes
Biester	Hunt	Riegle
Blanton	Jacobs	Roberts
Boggs	Johnson, Calif.	Robison
Bow	Johnson, Pa.	Rodino
Brademas	Jones, Ala.	Roe
Brooks	Jones, Tenn.	Rogers, Colo.
Broomfield	Karth	Rooney, N.Y.
Brotzman	Kastenmeier	Rooney, Pa.
Brown, Calif.	Kazen	Rosenthal
Brown, Mich.	Kee	Roth
Brown, Ohio	Keith	Roybal
Burke, Mass.	King	Ruppe
Burlison, Mo.	Koch	Ryan
Burton, Calif.	Kyros	St. Onge
Button	Langen	Schadeberg
Byrne, Pa.	Leggett	Scheuer
Cabell	Lloyd	Schneebeli
Carter	Long, Md.	Schwengel
Casey	Lowenstein	Shipley
Cederberg	Lujan	Shriver
Chamberlain	McCarthy	Skubitz
Clausen,	McClory	Slack
Don H.	McCloskey	Smith, Iowa
Cleveland	McCulloch	Smith, N.Y.
Cohelan	McDade	Springer
Conable	McDonald,	Stafford
Conte	Mich.	Staggers
Corbett	McEwen	Stanton
Coughlin	McFall	Steed
Culver	McKneally	Steiger, Wis.
Daddario	Macdonald,	Stratton
Davis, Ga.	Mass.	Stubblefield
de la Garza	MacGregor	Symington
Delaney	Madden	Taft
Dellenback	Mahon	Talcott
Dingell	Mallliard	Taylor
Donohue	Mann	Teague, Calif.
Dorn	Mathias	Thompson, N.J.
Dulski	Matsunaga	Tiernan
Dwyer	May	Udall
Edmondson	Meeds	Ullman
Edwards, La.	Melcher	Van Deerlin
Eilberg	Meskill	Vander Jagt
Esch	Mikva	Vigorito
Eshleman	Mills	Waldie
Evans, Colo.	Minish	Wampler
Fish	Mink	Watts
Flood	Moliohan	Weicker
Foley	Monagan	Whalen
Fraser	Moorhead	Whalley
Frelinghuysen	Morgan	White
Friedel	Morton	Whitehurst
Fulton, Pa.	Mosher	Wilson,
Gallfianakis	Murphy, Ill.	Charles H.
Garmatz	Murphy, N.Y.	Winn
Gaydos	Natcher	Wolff
Gibbons	Nedzi	Wright
Gilbert	Nelsen	Wyatt
Gonzalez	Nix	Wylie
Gray	Obey	Wyman
Green, Pa.	O'Hara	Yates
Grover	O'Konski	Yatron
Gubser	Olsen	Young
Gude	O'Neill, Mass.	Zablocki
Halpern	Ottinger	Zwach
Hamilton	Patman	

NAYS—94

Abernethy	Blackburn	Burleson, Tex.
Arends	Brinkley	Bush
Ayres	Broyhill, N.C.	Caffery
Belcher	Broyhill, Va.	Camp
Bennett	Buchanan	Chappell
Betts	Burke, Fla.	Clawson, Del
Colmer	Haley	Quie
Cramer	Harsha	Randall
Crane	Henderson	Rarick
Daniel, Va.	Hutchinson	Reid, Ill.
Davis, Wis.	Ichord	Rivers
Denney	Jarman	Rogers, Fla.
Dennis	Jonas	Roudebush
Devine	Jones, N.C.	Ruth
Dicklnson	Kuykendall	Satterfield
Dowdy	Kyl	Scherle
Duncan	Landgrebe	Scott
Edwards, Ala.	Landrum	Sebelius
Erlenborn	Lennon	Steiger, Ariz.
Flowers	Long, La.	Stuckey
Flynt	McClure	Teague, Tex.
Ford, Gerald R.	McMillan	Thompson, Ga.
Foreman	Marsh	Thomson, Wis.
Fountain	Mayne	Utt
Frey	Miller, Ohio	Waggonner
Fuqua	Mize	Whitten
Gettys	Mizell	Wiggins
Giaimo	Myers	Williams
Goodling	Nichols	Wilson, Bob
Griffin	Passman	Wold
Gross	Poff	
Hagan	Price, Tex.	

NOT VOTING—96

Abbitt	Diggs	Miller, Calif.
Addabbo	Downing	Minshall
Andrews, Ala.	Eckhardt	Montgomery
Ashbrook	Edwards, Calif.	Morse
Barlng	Evlns, Tenn.	Moss
Berry	Fallon	O'Neal, Ga.
Bevill	Farbstein	Pepper
Bingham	Fascell	Poage
Blatnik	Feighan	Powell
Boland	Findley	Purcell
Bolling	Fisher	Quillen
Brasco	Ford,	Rees
Bray	William D.	Reifel
Brock	Fulton, Tenn.	Rostenkowskl
Burton, Utah	Gallagher	St Germaln
Byrnes, Wis.	Goldwater	Sandman
Cahill	Green, Oreg.	Saylor
Carey	Griffiths	Sikes
Celler	Hall	Sisk
Chisholm	Harrington	Smith, Calif.
Clancy	Hastings	Snyder
Clark	Hays	Stephens
Clay	Hébert	Stokes
Collier	Heckler, Mass.	Sullivan
Collins	Hull	Tunney
Conyers	Kirwan	Vanlk
Corman	Kleppe	Watkins
Cowger	Kluczynskl	Watson
Cunningham	Latta	Widnall
Danlels, N.J.	Lipscomb	Wydler
Dawson	Lukens	Zion
Dent	Martin	
Derwinski	Michel	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Hébert against.

Mr. Boland for, with Mr. Andrews of Alabama against.

Mr. Addabbo for, with Mr. Bevill against.

Mr. Farbstein for, with Mr. Montgomery against.

Mr. Kluczynski for, with Mr. O'Neal of Georgia against.

Mr. Rostenkowski for, with Mr. Collier against.

Mr. Brasco for, with Mr. Sikes against.

Mr. Widnall for, with Mr. Baring against.

Mr. Saylor for, with Mr. Ashbrook against.

Mr. Sandman for, with Mr. Berry against.

Mr. Morse for, with Mr. Bray against.

Mr. Burton of Utah for, with Mr. Zion against.

Mr. Cahill for, with Mr. Watson against.

Mr. Cowger for, with Mr. Hall against.

Mrs. Heckler of Massachusetts for, with Mr. Snyder against.

Mr. Wydler for, with Mr. Smith of California against.

Mr. Cunningham for, with Mr. Lipscomb against.

Mr. Findley for, with Mr. Latta against.

Mr. Minshall for, with Mr. Martin against.

Mr. Watkins for, with Mr. Michel against.

Mr. Lukens for, with Mr. Quillen against.

Mr. Fallon for, with Mr. Clancy against.

Mr. Hastings for, with Mr. Collins against.

Mr. Evins of Tennessee for, with Mr. Derwinski against.

Mr. Celler for, with Mr. Goldwater against.

Mr. Hays for, with Mr. Kleppe against.

Mr. Harrington for, with Mr. Reifel against.

Mr. Dent for, with Mr. Brock against.

Mr. William D. Ford for, with Mr. Byrnes of Wisconsin against.

Until further notice:

Mr. Abbitt with Mr. Hull.

Mr. Bingham with Mr. Clay.

Mr. Blatnik with Mr. Carey.

Mr. Pepper with Mr. Stephens.

Mr. Clark with Mr. Daniels of New Jersey.

Mr. Edwards of California with Mrs. Chisholm.

Mr. Stokes with Mr. Corman.

Mr. Downing with Mr. Fascell.

Mr. Vanik with Mr. Conyers.

Mr. Feighan with Mr. Miller of California.

Mr. Diggs with Mr. Rees.

Mrs. Green of Oregon with Mr. Fisher.

Mrs. Griffiths with Mr. Purcell.

Mr. Sisk with Mr. St Germain.

Mr. Kirwan with Mr. Powell.

Mr. Gallagher with Mr. Fulton of Tennessee.

Mr. Tunney with Mr. Dawson.

Mrs. Sullivan with Mr. Eckhardt.

Mr. LUJAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) entitled "An act to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 51. Concurrent resolution to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

CORRECTION OF PAIR

Mr. WINN. Mr. Speaker, on rollcall No. 320, I was necessarily absent and not recorded. Through erroneous instructions to the pair clerk, I was improperly paired. Had I been present I would have voted "nay." I ask unanimous consent the RECORD be corrected.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ENROLLMENT OF S. 3016, ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 51).

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, is hereby authorized and directed to make the following correction:

In section 114 strike out "section 620(d)" and insert "section 602(d)".

SEC. 2. That the Senate recede and concur in the House amendment to the title of S. 3016.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. QUIE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky if he would explain the change that he has discussed.

Mr. PERKINS. Mr. Speaker, as I understand it, the concurrent resolution is to correct certain typographical errors, and also a decision is made as to which title is to be used, whether the Senate title or the House title is to be used. That is all the concurrent resolution consists of.

Mr. QUIE. Mr. Speaker, I withdraw my reservation of objection.

(Mr. QUIE asked and was given permission to revise and extend his remarks at this point in the RECORD.)

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FEIGHAN. Mr. Speaker, I would like the RECORD to show that I was called to the telephone, but had I been present, I would have voted "yea" on the last vote, on the OEO conference report.

CORRECTION OF VOTE

Mrs. REID of Illinois. Mr. Speaker, on rollcall No. 340 I am recorded as not voting. I was present and voted "Nay." I ask unanimous consent the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 2 legislative days in which to revise and extend their remarks on the OEO conference report.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON MONDAY, DECEMBER 22

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 o'clock a.m. on Monday next, December 22.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT OF ORDER OF BUSINESS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, we still have undisposed of some five conference reports. Under the present plans, we will take up the Labor-HEW report first on Monday, and the gentleman from Arkansas (Mr. MILLS) has advised me he will call up the conference report on the tax bill not later than 2 o'clock on Monday afternoon.

Mr. Speaker, I submit that for the information of the Members of the House.

DEAN RUSK AS PROFESSOR OF INTERNATIONAL LAW

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I was deeply concerned to read earlier today an AP dispatch from Atlanta, Ga., that the appointment of Dean Rusk as a professor of international law at the University of Georgia may run into a conflict with the Georgia Board of Regents.

Mr. Rusk has been offered a position as professor of international law at this school, and apparently some of the regents are questioning the appointment.

AP says a split could be expected when the formal vote is asked some time in January.

Mr. Speaker, Dean Rusk is one of the truly great statesmen of our time. I cannot imagine that anyone, anywhere, would oppose his appointment as a member of a university faculty.

Dean Rusk is one of the truly great international minds of our time. When the final chapter of freedom's triumph over communism is written, Mr. Rusk's name will be emblazoned in glorious letters as one of the chief architects of that victory. He is one man who over the years understood the full depth and menace of international communism.

Time and again as U.S. Secretary of State, Dean Rusk has shown courage beyond description, simply because he believed in a cause.

There were many times when he could have compromised with principle.

I would hope that a highly respected institution like the University of Georgia could certainly set aside any prejudices as to his personal political views, or of those who think perhaps he is too liberal in one respect or another, and welcome him to that impressive university as one of the great statesmen of our time.

I would think that every university of this country would give its eye teeth to add this distinguished American and great patriot to its faculty.

For that reason, I hope the board of regents would unanimously welcome this great son of Georgia to the university. He would be an impressive addition to any faculty, whether in Georgia or anywhere else in the world.

We as Americans can thank the Lord that we had a man of Dean Rusk's stature, wisdom, knowledge, perseverance, integrity, intellectual honesty, patriotism, and dedication as Secretary of State during one of the most turbulent periods of our history. I would think Georgia University ought to lock up the contract with no delay before some other great institution of learning steals him away.

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. HAGAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE THREAT TO OUR ENVIRONMENT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 60 minutes.

Mr. HAMILTON. Mr. Speaker, surely one of the most crucial and complex issues facing the American people today is how we can restrain the headlong destruction and fouling of our environment.

The Department of the Interior has a pamphlet entitled, "Man: An Endangered Species?" It pictures man standing at a fork on his environmental road. One signpost reads, "Man, Master of Himself," and the other signpost reads, "Man—An Extinct Species."

The direction man chooses now will move him rapidly along the path toward one or the other destination.

No graver mistake could be made than to think that man, because of his own wit and wisdom, is immune from taking the path toward extinction. A formidable case can be built showing that he is rushing headlong in that direction—corrupting and destroying his lands, rivers, forests, and the atmosphere itself.

The other path open to man we know to be expensive and demanding, but its promise is clear rivers, tall forests, and clean air.

AWAKENING CONCERN FOR ENVIRONMENT

One of the heartening signs of American life today is the really fantastic acceleration in the awareness in this coun-

try of the dangers to the quality of our environment.

We have in recent years produced a cascade of legislation, and, as a nation, we have made a legal commitment to clean up our water and air. We have added millions of acres to our national park system, expanded our wildlife refuge system, and established scenic rivers and trails.

I believe that the American people are ahead of the politicians on this issue of pollution. Those of us in public life have not adequately, or accurately, assessed their mood. They understand better than we the pace at which pollution is advancing and they are not disturbed greatly by the philosophical niceties of political debate concerning whose responsibility—Federal, State, or local—it is to clean it up. They want us to get on with the job quickly and effectively. They are willing to foot the bill for the costs of it.

Rising concern about the environmental crisis is sweeping the Nation's campuses; the "green power movement" is vying with Vietnam as the student's primary consideration.

We all know the increased activity by State and local governments in pollution control. The private sector, as well, is acting; many industries are spending large sums of money to assure us that they are good, cooperative citizens.

Members of the Congress are finding that an increasing amount of their time is given to the environment of their districts and the problems of pollution control throughout the Nation.

The evidence is clearly mounting that this Nation is stirring itself about pollution control. We are beginning to understand that America's resources are not limitless and that they have to be wisely used. Men like George Perkins Marsh and Carl Shurz, who were among the first to sound the alarm to conserve, are becoming national heroes.

Our appreciation is growing for President Theodore Roosevelt with his great interest in the outdoors and his concern to preserve the grandeur of the West.

He said:

> To skin and exhaust the land, instead of using it as to increase its usefulness, will result in undermining, in the days of our children, the very prosperity which we ought by right to hand down to them amplified and developed.

The American people are beginning to see what can happen to a big country when unplanned growth and exploitation go on. We remember the decade of the 1930's when, in the Great Plains States, thousands of acres of soil which had been stripped of natural grass simply dried up and blew away when the drought came. Soil blew all the way to Washington, D.C., as the dust buried farms in the plains.

We remember the Mississippi fish bill, the death dealing smog in Donora, Pa., in the 1940's, and we are seeing clearly the current byproducts of affluence and technological progress like congestion, pollution, water shortage and all the rest.

Chilling estimates of the threat to our environment shake us out of inertia and complacency. U Thant, the United Nations Secretary General, estimates, for example, that the world has 10 years in which to avoid destruction by improving the environment.

We are beginning to see that man is indeed an endangered species. There is greater awareness that our ecological system is a closed one with all of its elements—land, water, and air—interrelated. The ruination of the land is not an isolated incident. It affects the water we drink and the air we breathe. It upsets the delicate chemical and climatic balances upon which we depend.

SOME FRIGHTENING STATISTICS THE URGENCY OF THE CRISIS

The evidence is conclusive that this awakening concern for the environment comes none too soon.

Consider some of the general statistics:

First, water: Today every river system in America suffers from some degree of pollution. Industrial discharges, both treated and untreated, into our rivers and streams equal the raw sewage from almost 170 million people. The sources of usable water are running out.

The Interior Department reports that more than 15 million fish were killed last year by municipal and industrial wastes, which totaled over 18 billion gallons. By 1975, a growing population and increasing urbanization rate will require from $30 to $50 billion for municipal sewerage systems, industrial waste treatment facilities, separation of combined storm and sanitary sewers, and for research and development of pollution control methods.

Rivers and lakes receive great quantities of industrial chemicals, debris, pollutants, and oil and these things kill fish and pose hazards to human and animal life.

In the Great Lakes, many recreation and swimming areas have been closed because the water is unsafe for human beings. Lake Erie is practically a dead body of water—its oxygen content is approaching zero. Over 3 million tons of debris and filth pour into it every day. Some of our best fresh water fish have almost become extinct.

The sign, "Polluted Water, No Swimming," has become all too familiar on the beaches and rivers of this Nation. One recent study indicated that about 30 percent of the Nation's public drinking and water systems may fall below Federal standards. Sometimes there is too much water, sometimes too little, sometimes it is too dirty to use. But the basic problem is that we do not manage properly the water resources we have.

Second, air: Air pollution thickens our skies, offends our senses, obscures our visibility, costs us money, destroys plants and property, sickens and kills people—and it is getting worse.

Industrial chimneys in the United States belch 37 million tons of sulfur dioxide every year. Over 90 million autos add 66 million tons of carbon monoxide. Electrical incinerators produce another 5 million tons to help foul the air. These gases kill or stunt plants, affect human nerves—causing irritation and decreased normal brain function, damage buildings and personal property, and leave a depressing, sometimes even fatal, pall over the urban landscape.

Since 1860, the carbon dioxide content of the atmosphere has increased 14 percent, thus reducing oxygen regeneration and adversely affecting the process of photosynthesis whereby all plants require oxygen and sunlight to grow. A recent analysis shows that simply by walking the streets of the New York City for a day, a person would breathe in the toxic equivalent of close to two packs of cigarettes.

According to John Gardner, former Secretary of Health, Education, and Welfare:

> There is not a major metropolitan area in the United States without an air pollution problem today, and the problem is getting worse. By 1980, this nation's urban population will increase by a third, the number of motor vehicles by 40 percent, and our demands for energy by 50 percent.

Third, solid wastes: we are surrounded by junk, and we do not know what to do with it.

This Nation produces and discards each day millions of tons of garbage, rubbish, automobile hulks, abandoned refrigerators, slaughterhouse refuse. Each year this waste is enough to fill the Panama Canal four times over. It mars the landscape, breeds disease-carrying insects and rodents, and much of it finds its way into our air and water.

In my hometown, the city of Columbus, Ind.—a town of only 28,000 people—it is estimated that 130 tons of solid wastes have to be disposed of each day.

The U.S. consumer actually consumes very little. He merely uses things and he never really disposes of them. They survive in some form. A good example is the nearly indestructible aluminum can, produced in the United States at an annual rate of 48 billion. The rate for bottles and jars is 28 billion per year.

By the year 2000, 270 million Americans will live in urban environments. As it is, 70 percent of the population lives on 2 percent of the land. When coupled with the fact that the average American's annual output of 1,800 pounds of solid waste—5 pounds a day—is rising 4 percent a year, the outlook for waste is bleak. Disposal already costs us $4.5 billion a year.

It is no wonder then that we stand at a critical juncture in the fight against pollution. The crisis is upon us. As Representative MORRIS UDALL says:

> In the pursuit of progress man has put strontium ninety in his bones, iodine 131 in his thyroid, DDT in his fat, and asbestos in his lungs. That kind of progress can kill us.

So we come to a new year and find ponds and lakes polluted, air filled with dirt, and solid waste piled high.

They are part of the wreckage and debris of the march of "progress." This should not be the legacy of our great technology.

The Environmental Pollution Panel of the President's Science Advisory Commission wrote in 1965:

> Pollution touches us all; we are at the same time polluters and sufferers from pollution. Today pollution adversely affects the quality of our lives. In the future, it may affect their duration.

THE CAUSES OF POLLUTION

Why have these things come about? Why do we now find ourselves with our health threatened and our lives at stake?

t n—the Democratic administration—refused to go directly to the American people and get the money for Vietnam in the form of higher taxes. Nor was the Johnson administration willing to discipline its own spending excesses in the slightest bit to help pay for the Vietnam war.

Perhaps this was all due to the fact that the previous administration in the White House had sort of inched its way into the Vietnam morass. Under President Kennedy and then President Johnson we got a little further involved with each passing month. First, a little in 1961, when our men in Vietnam stopped being trainers and technicians and began to be field advisers to the South Vietnamese Army. Then in 1962 we got in a little deeper as more Americans were being shot at and killed, and we needed more troops in Vietnam to protect those we already had there. Then in 1963 we found ourselves with 16,000 Americans in Vietnam and 78 dead.

By 1964 we still only had 23,000 troops in Vietnam. At this point let me remind the Senate that it was in the year 1964—which also happened to be an election year—that the President actually submitted a proposed cut in the defense budget. I am not saying that the forthcoming elections of that year actually had anything to do with the President's decision. But the coincidence seems mighty strong.

By 1965 the war was beginning to be an American war in Vietnam. We had nearly 200,000 troops committed. We had started spending money at the rate of nearly $2 billion a month.

But still the war was treated almost as if it existed on another planet in another time. It was not allowed to interfere with the domestic policies of the Johnson administration.

The Democratic Congress continued to spend money for the domestic programs that the Democratic administration kept demanding. With every new appropriations bill that was passed, there came a need to find the money somewhere because still the administration refused to go directly to the American people.

So it was that the Democratic administration of Lyndon B. Johnson began more and more to finance its fantastic spending programs by going to the money market.

The idea was to spend and borrow; to borrow and spend.

No thought was given to the morrow.

No effort was made to impose self-control and self-discipline.

The policy of borrowing for the Great Society forced up interest rates. The law of supply and demand worked in the money market, and when the Federal Government was in that market with both feet, borrowing some $30 billion over the past half decade, the cost of money could do only one thing—go up.

And it has gone up. And up. And up.

Mr. President, Senators have made much over the President's threats to veto the tax bill and some of the more irresponsible spending bills that this Congress has approved.

Let me say this plainly and flatly: Medicine is never very pleasant; and economic medicine is perhaps least pleasant of all because it applies to all of us.

This dreadful disease of inflation was allowed to go unchecked and rampant throughout the decade of the 1960's by the Johnson administration, and by the Kennedy administration before that. Now the medicine has to be applied. It has to be swallowed. And, bitter as that medicine tastes, we must face up to its need.

In another sense, the business of trying to control inflation is somewhat like trying to rear a child. It is possible without too much fuss and feathers to discipline the child when he is young. It gets more and more difficult—if the child is allowed to have his own way at all times and in everything—to discipline him as he grows. Finally, when the undisciplined child reaches the age of manhood, it takes the severest kind of measures to curb his behavior.

Had the Kennedy administration acted with restraint some 8 years ago, the problem could easily have been curbed at that time.

Had the Johnson administration acted to curb inflation just 5 years ago, it would have been a little uncomfortable for the American people, but the job could have been accomplished with a modicum of pain.

But neither President Kennedy nor President Johnson chose to act.

Now, after 8 years of unbridled inflation, President Nixon is facing up squarely to his responsibility to the American people. He is trying to bring inflation under control. And it is painful.

As I said, Mr. President, I do not blame Senators for wanting to place the blame for the present situation on someone else. I just want to set the record straight and place the full responsibility where it belongs—that is, on the shoulders of the Democratic party, which had complete control of all three branches of Government—the White House, Congress, and the courts—from 1961 through to January of this year—all through the decade of the sixties.

Before I close, I should like to recall a Latin proverb:

Serpens nisi cum nederit serpentent non sic Draco.

Translated it means that a serpent, until he has eaten another serpent, cannot become a dragon.

Likewise, until inflation feeds upon itself it cannot become a dragon.

The food for this dragon was supplied by the two Democratic administrations that ruled America in the sixties.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 19, 1969, pp. H12817–H12820, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have just a very brief 2½ page statement to make on this conference report.

Mr. STENNIS. Mr. President, will the Chair call the Senate to order, so that the Senator may be heard? This is a highly important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, the Senate passed S. 3016, to extend the Economic Opportunity Act, on October 14 by a vote of 72 to 3. The House passed a similar bill on December 12 by a vote of 276 to 117.

Both bills extend the Office of Economic Opportunity for 2 years, from July 1, 1969, to July 1, 1971, which was also the recommendation of the President.

There were certain differences in the two bills. Conferees appointed by the Senate and House met on December 17 and 18 and reached agreement.

Differences in the authorization level were compromised. The Senate had authorized $2.048 billion for fiscal 1970, which was the amount requested by the President. The House had authorized $2.343 billion. The conferees settled on $2.195 billion.

The Senate had authorized $2.732 billion for fiscal 1971. The House had set no limit, but had specifically authorized increases in funds for several manpower, education and emergency food and medical programs which represented net increases of $99 million. Therefore, the conferees agreed to set the authorization for fiscal 1971 at $2.831 billion, which represents the Senate authorization plus the specific additions authorized by the House.

I will briefly summarize the other issues.

The House conferees were adamant against a Senate amendment to authorize a line-item veto for Governors on OEO Legal Services programs, and to abolish the authority of the OEO Director to override a Governor's veto, and after extensive discussion and consideration, the Senate receded on this issue.

The Senate insisted on provisions in the Senate bill to establish national programs in the field of alcoholism and drug abuse, with a specific reservation of funds to guarantee that these programs would be developed by OEO. After lengthy discussion, the House agreed to recede and accept this section of the Senate bill exactly as written, with the provision that a similar reservation of funds be written into the law for local initiative programs. The amount reserved for local initiative in the bill is the exact amount requested in the budget by the President.

The House conferees accepted, with slight modification, the Senate amendment designed to guarantee that OEO-funded agencies make a adequate provision to pay all their tax liabilities or be denied new grants from OEO.

The Senate insisted on earmarking specific funds for the various programs operated by OEO, rather than giving a lump sum authorization as requested by the OEO director. The House had very limited earmarking in its bill, but agreed to accept the detailed earmarking in the Senate bill.

Having earmarked in such detail, the Senate had given the OEO Director authority to reallocate funds within the various programs, up to 15 percent of the amount appropriated for the program in fiscal 1970 and up to 20 percent for fiscal 1971. The House conferees agreed to accept this principle with the modification that the reallocation authority be limited to 10 percent the first year and 15 percent the second year, and that limits be set on the amount the Director could add to any existing program. For programs of $10 million per year or less, the Director could add no more than 100 percent; for larger programs, he could add no more than 35 percent. These added funds would, of course, have to be taken from other OEO programs.

The end result is that the OEO Director receives a clear directive from Congress on how we expect that the funds appropriated to him will be allocated, but at the same time we give him the flexibility that any program director is entitled to in making limited reollocatons within his agency.

Mr. Presdent, I move adoption of the conference report.

Mr. DOMINICK. Mr. President, I should like to ask the Senator whether he wants to yield or whether he wants me to obtain the floor.

Mr. NELSON. Does the Senator want the floor in his own right?

Mr. DOMINICK. I think it would be easier if I had the floor, and I could engage in some dialog with the Senator.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I think the Senate should know that many of the Republicans on the House side refused to sign the conference report and the majority of the Republicans on the Senate side refused to sign the conference report. We did so because we thought there were really grave problems in the conference bill which we were presenting to the respective Houses, and I should like to detail some of them.

It will be recalled that when the Senate authorization bill came up in October, I offered an amendment—and succeeded in that amendment—to eliminate the so-called add ons for fiscal 1970 from the bill. This eliminated $292.1 million in separate authorizations for eight specified programs where the $292.1 million had been added on above the budget. That amendment passed. I offered a similar amendment to eliminate $584.2 million in add ons for 1971, which were defeated.

The effect of the conference report as to the 1971 add ons is to take almost the entire amount of the Senate add ons, with two small reductions, and then to add two new items—one for $15 million and the other $34.7 million. The net result for 1971, including the add ons is to authorize the expenditure of $2.832 billion. This represents nearly a 30-percent increase in 1 year from the 1970 to the 1971 budget.

In addition, the administration and the Director of OEO have tried to change the concept of this organization. They have said that the problems that OEO has encountered in acceptance by the public around the country have largely been problems of administering and operating the program.

They said, "We do not want OEO to continue to be a separate agency. As soon as programs have been developed far enough that they seem to be able to run we want to put them in an established branch of government and reserve for the OEO an innovative role."

Unfortunately, because of the lack of flexibility and earmarking brought on in this bill, those types of innovative programs and the ability of OEO to move into that type role is sharply restricted.

There is one other point I want to bring up while the distinguished Senator from Mississippi is in the Chamber. I refer to the so-called Carey amendment. This is the amendment which, when originally presented to us, provided that families of servicemen in cases of extreme hardship shall be entitled to legal services provided for under the Office of Economic Opportunity.

It then went on to provide that the cost of that program shall be reimbursed by the Secretary of Defense. It became perfectly obvious as one looked at the scope of this amendment that everybody in the military would be qualified, speaking in terms of hardship. I have never heard anyone who did not agree with respect to a definition of hardship in that regard. Most members in the military would be asking for legal services and be asking the Department of Defense for the cost of whatever might be involved. This would include office expense, rental expense, telephone expense, cost of the time of lawyers, court expenses, and whatever there may be. It would be an almost totally impossible burden as far as existing legal services are concerned and an almost totally impossible administrative problem to determine the real expenses of the Secretary of Defense to try to take care of them.

As a result, we fought this rather strongly. I had the assistance of the Senator from Wisconsin in that respect. Originally we lost. We had to come back and ask that the conferees reconsider this matter because of the problems I have just outlined and because of other problems, such as the fact that the legal services branch of OEO would not be able to provide this service, and they would not have the funds to accomplish it.

As a result, we were able to effect a change in the language. The conference bill provides that the Director is not required to expand or enlarge existing programs or to initiate new programs in this area unless and until the Secretary of Defense has agreed with the Director on the reimbursement of costs for any such expenses or enlargement.

Because this is so important, I shall read the exact words for the RECORD. The section now reads as follows:

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

I wish to ask the Senator from Wisconsin, in order to establish legislative history, whether I am correct in assuming that, in fact, the conference really did not expect any new services to be provided until agreement is reached as to who is going to provide them and when the funds will be obtained.

Mr. NELSON. Mr. President, as the Senator knows we spent more time on this single point than on any other point in the bill. The Senator from Colorado consistently made clear his strong reservations and objections. He raised the point that we did not want to get into a jurisdictional question. We permitted the matter to go over a day.

It is my interpretation of all the discussion we had, with respect to legal services for members of the military services and their dependents, that there was no intent to add any further burdens on the OEO legal services program—any more than they now have—until and unless the Secretary of Defense and the Director of the Office of Economic Opportunity agree upon a program; until the Secretary of Defense has agreed to fund the program. I think Members on the House side even more strongly emphasized the lack of intent to interject ourselves into the business of the Pentagon.

I shall read from the conference report which is published at page H12820 of the RECORD of December 19, 1969. It states:

The conferees recognize that servicemen, qualifying under legal services guidelines,

are presently eligible for such services and are receiving help and representation. No inference is to be drawn that such assistance is to be curtailed or eliminated. It is the understanding of the managers on the part of the House that the Department of Defense is considering developing its own programs to provide these legal services. The inclusion of this new provision is not intended to supplant this effort but rather to offer an alternative which it is hoped the Department will consider.

So the manager's own language simply says we are offering an alternative which we hope the Secretary of the Department of Defense will consider.

Mr. DOMINICK. I thank the Senator from Wisconsin. I think this colloquy is very helpful to further tie down the matter. It was my intention to provide that nothing should be expended under authority of this provision until further agreement is reached.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MONDALE. Mr. President, I agree with the understanding expressed by the Senator from Colorado and the Senator from Wisconsin. I would like to add one further point. None of us wish thereby to imply there does not exist a very serious area of need here. I have obtained the figures since our conference.

Mr. President, around 265 projects comprising 850 law offices in poverty communities and operating throughout 49 States, District of Columbia, Puerto Rico, and the Virgin Islands were funded at a level of $46 million to offer free legal services to the poor. A caseload of 610,000 was carried by 1,800 full-time attorneys. This means an average caseload per attorney of 339 cases per year. It is estimated that a caseload in fiscal 1970 will rise to around 800,000. This makes a small impact on a poverty population of over 25 million people.

It is estimated that there are presently 500,000 servicemen in the United States within the pay grades E–1 to E–3. These men and their families would be eligible for legal services. There are also some servicemen in the pay grade E–4 who would be eligible, depending on the size of their families. In addition to this group, there are approximately 450,000 servicemen in Vietnam whose dependents residing in the United States might also be eligible for legal services. Approximate figures of the eligible military population are as follows:

First. Of the 500,000 servicemen in the United States with the pay grades E–1 to E–3, an estimated 15 percent or 75,000 men have dependents. If each of these 75,000 men have approximately three dependents each, the dependent population eligible for legal services is approximately 200,000.

Second. In addition to the 200,000 eligible dependents, there are also the 500,000 eligible servicemen within the United States. This means a total of 700,000 people in the military that would be eligible for legal services. It is important to remember the number of dependents of servicemen stationed in Vietnam who would also be eligible for legal services, as well as those families whose sole support is from servicemen within the pay grade E–4. Figures on these last two groups are not available.

Mr. DOMINICK. Mr. President, I thank the Senator from Minnesota. I thought, in conjunction with the colloquy we have just had, that I should refute any inference that the Army has not been providing legal services, by having printed in the RECORD a statistical report of the Army legal services program from July 1, 1968, to June 30, 1969, which shows that the Army legal assistance program, not counting other branches of the service, took care of 1,250,604 cases. This indicates a whale of a lot of effort on the part of the Army legal assistance program to try to be of assistance to members of the service.

I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATISTICAL REPORT OF ARMY LEGAL ASSISTANCE PROGRAM, JULY 1, 1968 TO JUNE 30, 1969 TAB A.

	Total	Adoption and change of name	Citizenship and naturalization	Civil rights	Domestic relations and paternity	Non-support	Personal finance and dependents insurance, etc.	Personal property, autos, etc.	Powers of attorney	Real property, sales, lease, etc.	Taxation, all kinds	Torts	Wills and estates	Miscellaneous
1st Army	211,508	3,056	7,979	407	18,202	6,101	21,882	15,576	23,429	10,167	20,974	5,116	24,105	54,514
3rd Army	231,488	2,153	4,567	767	14,935	3,237	18,423	12,581	32,697	6,771	39,675	3,674	28,519	63,489
4th Army	184,842	1,726	4,382	205	13,252	2,804	18,923	10,053	19,626	5,267	8,105	2,693	20,676	77,130
5th Army	119,144	1,396	3,420	160	11,222	4,973	14,857	6,627	12,328	3,338	19,015	1,953	10,802	29,053
6th Army	129,275	1,223	4,354	112	11,326	2,462	18,000	6,583	15,957	3,483	7,436	1,850	13,400	43,089
APO, New York	171,441	4,848	6,023	780	23,562	2,797	18,429	13,619	23,686	8,132	18,580	2,452	8,471	40,062
APO, San Francisco	155,793	2,853	6,825	401	21,315	2,712	11,738	10,947	30,023	4,698	12,626	2,256	8,708	40,691
APO, Seattle	14,810	210	201	9	1,056	213	1,713	1,316	1,987	459	1,859	150	1,405	4,232
District of Columbia	32,303	168	449	19	1,913	1,877	2,338	2,093	2,599	1,869	5,209	541	3,991	9,237
Total	1,250,604	17,633	38,200	2,860	116,783	27,176	126,303	79,395	162,332	44,184	133,479	20,685	120,077	361,497

Mr. DOMINICK. Mr. President, in order to clarify this, under Senate rule XXV, the Committee on Labor and Public Welfare has jurisdiction over soldiers and sailors for civil relief, but does not have jurisdiction, as I understand it, over the military in any way, nor does it have jurisdiction over similar activities of this kind. Yet it originally appeared we might be authorizing legal services groups of the OEO to represent people in criminal cases. That is not our intent. Is that correct. I ask the Senator from Wisconsin?

Mr. NELSON. Our counsel advises me that the Senator from Colorado is correct.

Mr. DOMINICK. Mr. President, I thank the Senator from Wisconsin.

Now, Mr. President, I know that the distinguished Senator from Mississippi (Mr. STENNIS) has some remarks to make on this subject. I believe he would like to make them at this point.

Mr. STENNIS. Yes. I thank the Senator from Colorado.

Mr. President, I am very mindful of the fine work which has been done on this conference report by the Senator from Wisconsin (Mr. NELSON), with his usual diligent and honest attention to the matter. That, I know, is shared also by the Senator from Colorado (Mr. DOMINICK), and other members of the conference committee.

Mr. President, I feel very strongly that the conference report invades and crosses over the line into another department without any proven need. I also feel that this is a matter which can be used and might be used to strike at the very vitals of discipline in our military services.

I have the growing feeling that a serious situation is developing. I do not mean any mutiny, but there are so many people trying to help so many others, and bringing in so many suits which, with the general laxness and permissiveness, whatever it is, that is going on now in our society outside the services, that it is generating a serious problem of maintaining discipline. An atmosphere is beginning to develop that will make it more difficult for the military services to maintain a prevailing and wholesome spirit and attitude toward needed military discipline.

The table the Senator from Colorado just had printed in the RECORD shows that more than 1,250,000 cases within the past year have been attended to by the Army itself, made up of various categories for legal advice, information, or assistance of some kind of remedial help in this general field which was given to the families of the men who are serving in our military services.

It shows what an enormous effort is being made by the military to meet that responsibility. It also shows what demand there is. I want everyone to have their legal rights. My point is that it is time to cut off these things. I know that the military, as the record will show, and as I know from their attitude, has been very genorous in this matter already.

Another question is, Where are we going to draw the line as to the multitude of cases which can be brought in?

The men who work for OEO are young lawyers and will work hard for anyone. I am not attacking the OEO, but these men would naturally like to do business, and they would like to get into things.

Right at the worst part of the Vietnam war, when our casualties were near the highest, a lawsuit was brought to prevent

a National Guard unit, which had been called up for duty, from being sent to Vietnam. That case went as far as a member of the Supreme Court of the United States who issued an order restraining this military command, which came from the Commander in Chief—not expressly from him, but that was his responsibility, it came from the President of the United States—temporarily suspending this lawful military order.

Well, the Supreme Court, in its entirety, reversed that case. But, how far are we going to encourage that kind of litigation? There are a great multitude of cases on that subject. I believe they are already being taken care of. There is every reason in the world for the Secretary of Defense respectfully to decline to go into this matter.

Thus, under the provision of the conference report, and the law agreed on, it would not come into being unless the Secretary of Defense agreed; but he can be told to come in, anyway, regardless of what his judgment may be.

Frankly, I do not think this kind of legislation receives the meticulous consideration we ordinarily accord it.

I will illustrate it by this conference report.

Why, last evening, about 6 o'clock, we all signed the conference report on the HEW appropriation bill. It was all completed and ready for the formalities of being enacted. Still today, we are working on the authorization bill. The HEW bill includes appropriations for the OEO at almost the top amount. Today, after the appropriation bill has been approved, except for the technical finalities, we are getting around to the authorization and I think we are making an exception in these kinds of matters.

I do not know what the Secretary of Defense may be directed to do. If he is to have a program like this, I think, frankly—and I am not looking for more work for the Armed Services Committee—it ought to have the direct judgment of the Senators who have responsibility in that committee, before the Secretary of Defense and the military have to launch into a program like that and the Appropriations Subcommittee on Defense has to appropriate money to pay the bill. That is what the conference report proposes.

Except for the bare judgment of the Secretary of Defense, which could be overruled by the White House, this measure puts the Secretary of Defense in that business and makes it mandatory that we appropriate money, not for OEO, but for the Department of Defense to pay the bill. That is why I say the Armed Services Committee ought to have jurisdiction of this matter.

I have no grievance—in fact, I compliment him—with the Senator for working so hard on it, but we will break down the jurisdictional lines of this great institution, the United States Senate. Sometimes there is some overlapping, but I think this year demonstrates that we have gotten almost into a reckless abandonment of the jurisdiction of committees. When that goes, the Senate goes; we are just 100 individuals, almost, unless we have a high regard for these jurisdictional matters.

I know, as a practical matter, it is virtually impossible to defeat this provision in the conference at this stage of the session, but if it were some other time, I think I would move that we have a full debate on this matter, and at least have a vote on it, and just point out where we are going. It is done, but I am afraid they have overexaggerated the need for this legal relief assistance. I believe the system already in vogue shows that there have been 1,250,000 instances—not legal cases, but instances—in which information for legal relief and legal advice and all other kinds of service have been granted in 1 year in the Army alone.

I want to encourage the Secretary of Defense with all the intelligence and scrutiny and judgment and power that is in being in his office, not to launch and go into this program unless he is fully convinced of the need and necessity. I think his best course would then be to get a communication to the Congress in some way that "I need relief along this line and I want it for the military, and the military appropriation should pay the bill."

As a member of the Appropriations Committee, I say we are just dipping into one bucket or pot of money and putting it in another, and switching back and forth between the departments. They do not know what the other is doing. One pays the bill and the other does the work. I do not want us to enmesh and encumber our military programs with that pattern. It will perhaps come out all right for some of the departments.

Let me ask the Senator from Wisconsin a question. This proposed law and this arrangement and this report certainly do not contemplate any kind of proceeding in court-martial cases, or anything like that, so far as it pertains to a man in the service charged with a military offense. Is that correct?

Mr. NELSON. That is my interpretation. The issue was not specifically raised; but, in the context of the discussion, we were talking about the kind of case in which the poverty client qualifies for assistance from OEO legal services right now. No one in the conference raised that question, and I would assume there was no intent in anyone's mind that it be extended to such a case.

The senior Senator from New York apparently wants to say something about that.

I think everybody here would agree that including in the OEO bill anything which might involve legal services programs in court-martial proceedings would be an unacceptable invasion of the jurisdiction of the Armed Services Committee.

Mr. STENNIS. I wonder if I may address some further questions to the Senator from Wisconsin.

As I understand the intent of this provision and what the conferees understood, it is not to come into operation unless the Secretary of Defense, in his own deliberation and in his own judgment, should decide that it should be done and should be paid for out of those funds, from the standpoint of the welfare of the military service and the individual concerned, and further such funds are appropriated.

Mr. NELSON. That is absolutely correct. We have several members of the conference committee present. If I respond incorrectly, they will correct me. It was repeatedly said on both sides—and I thought Mr. CAREY himself said—that if the Pentagon says "No," refuses to reach agreement, or if the Secretary of Defense refuses to reach agreement on funding, that is the end of it.

Mr. JAVITS. Mr. President, will the Senator yield, so we can affirm it on this side?

Mr. STENNIS. Yes, but first I want to develop this a little more. I address these questions to the Senator from Wisconsin because I understand he was chairman of the Senate conferees.

So the understanding of the Senator from Wisconsin, at least, is that the Secretary of Defense would have to make this independent judgment that it would be to strengthen the military and also the welfare of the individuals concerned, not on each case, but before he went into the program.

Mr. NELSON. That is correct. I think there was no disagreement on that, because several Members said that, if the Secretary of Defense declines to do it, declines to assume responsibility, declines to reach an agreement on funding the additional payment that OEO might become responsible for, the provision would be null and void.

Mr. STENNIS. That is a very wise decision if we are going to have any at all.

Where is the poverty line? We say, "If it comes within the poverty line." What is the standard, so far as this bill is concerned, as to where the poverty line is?

Mr. NELSON. As the Senator knows, a poverty index was established by OEO. Right now soldiers and their families are currently eligible for OEO legal services if they meet the poverty standard, as is any other citizen of the country.

Mr. STENNIS. Those who come within that definition already have that service available?

Mr. NELSON. That is correct.

Mr. STENNIS. What additional service does this bill give?

Mr. NELSON. It does not add any service that they otherwise are not now eligible for.

As the Senator knows, we did not conduct hearings. This matter was not in our proposal. I guess the concern was this: Mr. CAREY looked at this, apparently delved into it, and felt that there are many families of servicemen who really cannot get these services because there is not enough money in the OEO legal services program. I think he discussed this issue with the Pentagon. The Pentagon was aware of that.

I think the intent here was to give this issue some viability, to encourage, hopefully, the Defense Department or OEO to undertake the responsibility to service these families. Members of the

House said in the conference committee that they get loads of letters—for example, a letter from a wife who was going to be evicted from her home and whose husband was overseas. She was in the poverty level and she could not get any legal assistance.

It was that kind of thing. They may not be anywhere near a military base. That was the kind of problem that was discussed in conference.

Mr. DOMINICK. Mr. President, will the Senator yield on that point?

Mr. STENNIS. Yes; I shall be happy to yield in a moment. If they are already eligible, why add this program? Is it just to get the bill paid?

Mr. NELSON. I do not like to try to speak for Mr. CAREY, but——

Mr. STENNIS. Who?

Mr. NELSON. Representative CAREY, who was the sponsor of the provision in the bill passed by the other body.

Mr. STENNIS. Well, the Senator has an idea, though. Why this program, if they already have the service available? Is it just to get the money to pay for it? Is that why it is put over in the military? It is a matter of judgment, is it not?

Mr. NELSON. I think the fact is that if everyone who was eligible, who might be eligible, were to go to OEO, OEO would say, "We do not have sufficient funds to provide the personnel in legal services programs that would be necessary." The feeling was that if they were to extend services to military personnel and their dependents, they ought to have the funds to do it.

There is one further point. The Senator is probably familiar with a letter to Mr. ALBERT QUIE of November 19, 1969, in behalf of the Secretary of Defense, from the General Counsel's Office of the Department of Defense. He wrote saying that, as the Senator well knows, they are evaluating this problem now, and one of the difficulties is the limitation on the kind of services that they can actually give to military personnel and their families. The General Counsel says:

> One of the more significant limitations is that military legal officers in the main are limited to providing office advice, including preparation of some legal documents, and are unable to represent their clients in court proceedings or other legal proceedings or to negotiate fully in their behalf with adversaries.

Later I shall ask that the entire letter of the General Counsel for the Secretary of Defense be printed at an appropriate point in the RECORD.

Then the General Counsel goes on to say that they have had a study group, and it has explored this problem, and that—let me read further from the letter:

> One of the recommendations of the study group proposed that efforts be made, in cooperation with civilian bar associations, to expand the military legal assistance programs so that military legal officers could provide more complete legal services to military personnel—in particular those in the lower enlisted pay grades. This recommendation was approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and in October 1969 the military departments were asked to undertake steps to implement this recommendation. If these efforts are successful, it is envisioned that in certain cases military legal officers would be permitted to prepare and file pleadings in civilian courts, negotiate in behalf of clients, and make court appearances. In short, if the efforts now underway are successful, the group of people sought to be benefited by the amendment in question—

Referring to Mr. CAREY's amendment, which the Senator is discussing—

> would be taken care of under the military assistance programs. We believe that it would be preferable for the Department of Defense to provide this service to its personnel than to have them using programs operated by the Office of Economic Opportunity.

The Senator from Colorado argued very strongly against any provision at all. That is the reason the Senator from Colorado insisted that this program not be initiated in any way unless the Secretary of Defense agreed, and agreed to fund it; and then, as I pointed out earlier, in the manager's report on the House side, they state very clearly that it is not the intent of this section to supplant anything which the Secretary of Defense may be doing; it is only as an alternative that the Secretary might consider.

Mr. STENNIS. I thank the Senator for his explanation. He has made some very good points.

But I go back to my original question: Is it not a fact that the main reason for creating this program in this way, after all, is to get the money from the Department of Defense rather than let the OEO pay the bill?

Mr. NELSON. I would assume that that is the reason.

Mr. STENNIS. Yes.

Mr. President, I do not expect to detain the Senate very much longer, but let me point out to the Senate that this table which has been inserted in the RECORD speaks only for the Army alone.

So, just the Army alone, last year had 1,250,000 cases in which they rendered this assistance—just one of the military services—and I should like to list some of the types of cases. They have it outlined here.

Cases involving adoptions and changes of name—they give the exact number—citizenship and naturalization; civil rights or domestic relations and paternity—116,000 cases on that alone; nonsupport, 27,000; personal finance, insurance, and so forth, 26,000 cases; personal property, autos, and so forth, 79,000 cases; powers of attorney, 162,000 cases; real property sales, leases, and so forth—now we come to evictions—the Army alone had 44,000 cases of that kind within the 12-month period ending June 30, 1969.

Taxation of all kinds, 133,000 cases. They are the income tax problems, I suppose. I am stating round numbers only.

Torts—which, as we all know, are personal wrongs—20,000 cases; will and estates, 120,000 cases; and miscellaneous, 361,000 cases.

So, there are the facts. The Army alone is rendering that much service, and it is agreed by the Senator from Wisconsin that the main purpose here is just to get the money.

As I say, we have an appropriation bill already agreed to, ahead of the authorization bill. OEO is getting all it asks for, but if there is a real reason for this service, I would certainly help sponsor the appropriations.

Mr. DOMINICK: Mr. President, will the Senator yield?

Mr. STENNIS. One other point. There have been no hearings on this. The Senator pointed out that he supposed I was familiar with a letter of November 19. I am not familiar with it. But there have been no hearings, and no real record on this thing, through which one could obtain the facts.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. I think the Senator from Rhode Island asked me to yield. I yield first to him.

Mr. PELL. Mr. President, there is just one point in support of the Senator's argument, which I wanted to point out, and that is, coming as I do from an area of considerable military installation, one sees people falling between two stools, as it were. They may be removed a little bit from where legal services are available; for example, a 20-mile ride, while it seems like nothing in some parts of the country, can be an expense for a woman without a car. Her husband may be overseas, and she may not be able to use the military services available, and may not be aware of the OEO services.

Also, at some places and times, one finds that the military is not as competent in this legal services area as in others. I think Senators will find a certain spottiness in the way the service is rendered.

I had not thought about this problem until it was discussed in conference, but it seemed to me that this provision might help the people who fall between the two stools of the military legal assistance and the OEO legal assistance.

Mr. STENNIS. Yes. Well, I certainly want them to have all the assistance they justifiably need, and as conveniently as possible, but if we turn it over to OEO lawyers and have someone else paying the bill, we are not only going to have a bill run up, but we are likely to have duplication of services, and everything else.

Mr. DOMINICK. Mr. President, will the Senator yield to me for just a moment?

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. DOMINICK. I have been listening with great interest, because the chairman has expressed many of the feelings I myself have on this issue. I have decided to offer a motion to recommit with instructions, and I will request a rollcall vote.

The motion will include striking this particular provision, as well as striking one other and putting back one Senate-passed provision.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I may say to the Senator from Mississippi that it was not my purpose in any way to interrupt him. However, as I am the ranking minority member of the committee and as I did sign the report, I was only trying to lock in, as it were, the explanations which were made by our chairman.

Mr. STENNIS. Mr. President, I thank the Senator. I certainly did not ignore him. I did not realize he was present.

Mr. JAVITS. Mr. President, I would point out this question and then deal with the whole report. Speaking now as a lawyer, just as the Senator from Mississippi is a lawyer, I wish to say that the real issue is really court appearance in the cases which are cognizable under the jurisdiction of the Committee on Labor and Public Welfare. They are cases for veterans and servicemen that are cognizable under the following headings and are committed to the Committee on Labor and Public Welfare: vocational education and reeducation of veterans; medical and training for veterans; soldiers and sailors civil relief; and readjustment of servicemen to civilian life.

Those are the four categories which give veterans affairs jurisdiction, which is headed in the other body by the Veterans' Committee.

The real gist of the problem, however, was not in the bill. And I do not think we would have had it if it had not been raised in conference. That is the inability of military officers to appear in court in civil cases and to be acceptable to the court, because often they are admitted in different States, or for other reasons are not acceptable in the particular place where the veterans problems or those of his family occur.

According to the figures of the OEO, 25 percent of their legal services cases are court cases. That means that one-fourth of their caseload is in the courts.

This bears very materially, therefore, on the letter which was written by the general counsel of the Army which has now been printed in the RECORD. He admits that the real place in which there is a lacuna or interspace is the limitation with respect to the military officers who are limited in many cases to providing office advice.

It is fair to say that we are trying to provide an interim plan under which certain legal services would be provided and this missing element would be supplied until such time as the Army services catch up with the requirements of their personnel.

As to the compensation which is involved, I think the Senator is absolutely right. It would have been better since we are rendering all the legal service to the poverty program, to have an autonomous poverty program financing the arrangement.

The difficulty arose through the fact that neither the poverty budget nor their budget for legal services nor the incidence in our bill—and there we get into the timelag which the Senator from Mississippi mentions of appropriations preceding, as it were, the final authorizing legislation—had caught up with each other. Again, as an interim proposition, we had to place reliance on the resources which might be available to the Department of Defense.

If both the Secretary of Defense and the Director of the OEO are really satisfied that there is an area which does not include courts martial and does not include the status of the soldier as a soldier—and I confirm that on the part of the minority, as the chairman has on the part of the majority—but in which there is a lack of justice or equity in respect of the serviceman and his family as to which something ought to be done, then they can proceed to fill that vacant place.

If they find that is not so and that the superior public policy requires that it be denied for the time being because the Armed Forces have not quite caught up with that particular problem, I assume then that the Secretary of Defense will say, "I am sorry. I am not going to act."

I think that might be a little better than taking some absolutely rigid stand and saying no under all circumstances.

However, if they agree that there is an extraordinary need and something ought to be done about it, we can expect and hope that they will do their utmost to do it.

I hope very much that that may be a reasonable reconciliation of the points made by the conference report and, also I think, the quite proper concern expressed by the chairman of the Armed Services Committee that we do not want to introduce another echelon of litigation that will embroil the military service and adversely affect military morale, and military discipline.

I can assure the Senator, having signed the report as the ranking minority member, that we had no such thought in mind in doing so.

Mr. NELSON. Mr. President, I concur in what the Senator has said.

Representative HUGH CAREY was expressing his honest and sincere concern about affording a fair opportunity for servicemen's families to be represented, just as the Senator from Mississippi would like to have them represented.

If this matter had been raised in the committee on our side, I do not think anyone on our committee, representing either the Republican or Democratic side, would have consented to putting in anything in the Senate bill when we were considering it here, since the issue ought to be considered by the Armed Services Committee. And that was our attitude, strongly expressed through the Senator from Colorado (Mr. DOMINICK), at all times.

I interpret the provision we are discussing as a section to encourage the Defense Department to do something more about legal assistance for military personnel and their dependents.

Mr. JAVITS. I think that is a fair interpretation.

Mr. NELSON. I interpret it as being a section which everyone agrees means that if Defense refuses to do it, that is all.

That is my interpretation of the conversation that went on in conference committee, that the intent was to encourage them. If the Secretary of Defense says no, there is nothing this section of the bill can do.

Mr. JAVITS. Mr. President, I add one other dimension to that. If both agreed that there were extreme hardship and there was a vacant space where people were not represented, in view of the inability on the part of the military officers to supply legal service—for example, appearances in local courts—then I think we would have the right to express the hope that something would be done. Our provision is intended to induce both the Director and the Secretary, in the presence of a manifest need which our military services cannot fill, to see if it could be filled by agreement between them. That is the one dimension I would add.

Mr. MONDALE. Mr. President, in the letter referred to earlier from the Acting General Counsel of the Department of Defense to Mr. Quie, the Defense Department concedes that there is an area of great need here. There is an area of need here that cannot be denied and which the Defense Department asserts continues to be unmet.

Mr. JAVITS. Exactly. I think that what we have all said is not disagreeable to the Senator from Mississippi. He does not object to it. However, silence is not consent.

I might point out that I think we have presented a situation which is susceptible of agreement, and probably requires agreement, and we have a right to present a framework in which an agreement between the Department of Defense and the Director of OEO may be brought about.

Mr. MONDALE. I ask unanimous consent that this letter be printed at this point in the RECORD, because it shows that the Defense Department agrees that there is a serious area of concern.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., November 19, 1969.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: Secretary Laird has asked me to reply to your letter dated November 6, 1969, requesting comments on a proposed amendment to section 222(a)(3) of the Economic Opportunity Act of 1964, as amended.

The proposed amendment would establish eligibility for members of the Armed Forces and their immediate families who are "living in poverty" to obtain legal services in certain cases under programs established under the Economic Opportunity Act of 1964. The Department of Defense recognizes and supports those objectives of the proposed amendment which are intended to make available more complete legal services for certain military personnel and their dependents.

For many years each of the military departments has operated a legal assistance program for members of the military services and their dependents. These legal assistance programs are operated by the Judge Advocates General of the respective military departments and are administered by military legal officers. Admittedly, these programs have certain limitations which impair their effectiveness and make it impossible for complete legal services to be provided. One of the more significant limitations is that military legal officers in the main are limited to providing office advice, including preparation of some legal documents, and are unable to represent their clients in court proceedings or other legal proceedings or to negotiate fully in their behalf with adversaries. These limitations are due to a number of factors including the attitude of the organized civilian bar regarding such matters. These restrictions have been a source of concern and some frustration to military legal officers who

would like to provide more complete legal services to their clients.

The problems posed by the aforementioned limitations on military legal assistance programs were recognized in a Defense Department study which was concluded in October 1968. That study explored problems relating to military lawyer procurement, retention, and utilization and included a look at various problems pertaining to the rendering of legal services in general. One of the recommendations of the study group proposed that efforts be made, in cooperation with civilian bar associations, to expand the military legal assistance programs so that military legal officers could provide more complete legal services to military personnel—in particular those in the lower enlisted pay grades. This recommendation was approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and in October 1969 the military departments were asked to undertake steps to implement this recommendation. If these efforts are successful, it is envisioned that in certain cases military legal officers would be permitted to prepare and file pleadings in civilian courts, negotiate in behalf of clients, and make court appearances. In short, if the efforts now underway are successful, the group of people sought to be benefited by the amendment in question would be taken care of under the military assistance programs. We believe that it would be preferable for the Department of Defense to provide this service to its personnel than to have them using programs operated by the Office of Economic Opportunity. Accordingly, the Department of Defense recommends against the adoption of the amendment.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.
ALBERT H. QUIE.

Mr. JAVITS. The Senator is correct, especially when it is coupled with the fact that 25 percent of the legal services rendered by the OEO legal service program consists of appearance in court.

Mr. MONDALE. One point that I think everyone agreed on is that the small funding of the OEO legal services program today makes it impossible for them to move into this field any more than they are now, without some source of additional support.

Mr. JAVITS. I think that is a very fair statement.

Mr. President, I should like to address myself briefly to the conference report itself, which I signed, which Senator PROUTY signed, and which Senator MURPHY and Senator DOMINICK did not sign.

To me, it is not necessarily the happiest compromise; but, so hard fought was this conference—and it is not unusual—that in my judgment it is the best resolution of the differing points of view that can be obtained to get the legislation underway.

I should like to affirm that if there is a motion to recommit, I think the main argument the Senate has to decide is whether or not we can get any further or make any real basic change, in the absence of authorizing legislation, or whether it would really just throw the whole thing up in the air for a very considerable time. It is almost inconceivable, considering the substantive nature of the differences, that we can get together in 24 hours or over the weekend and into Monday night, which is probably the outside time. I saw the conference. It went on for a considerable period of time. It deals with substantive policy issues. It is not a matter of resolving the difference between $1 billion and $1.1 billion, where men probably can get together in a brief time. I believe that once you shatter this, you will just have the continuing resolution, rather than a substantive mandate upon which the agency can proceed.

I believe deeply that public policy is greater in terms of giving the agency a legal basis upon which to proceed and plan than the other way, for this reason: This is the first bill for the OEO that characterizes what this administration wants it to be. With this administration, the concept is that it is essentially an agency for innovation and local action. Also, that those elements which are in traditional departmental areas of responsibility in education and, for example—shall go over to traditional departments which administer programs in those areas, but that this relief of responsibility on OEO's part brings with it a break-out in terms of innovation and local initiative. Those are the distinguished characteristics of the OEO to be, as the administration sees it.

Naturally, it requires an enormous labor, in order to bring about that change of character; and the sooner the agency can get on with this effort, the sooner it will be likely to be a success along this new line of policy.

One other thing which I think experienced men in this Chamber will understand is that if you leave an agency like this up in the air, an agency like this, where the work is pretty tough, you jeopardize very seriously its best personnel. The one thing that is indispensable is the human equation. If you expect to keep the good people in OEO or to attract good people to OEO because of its innovative character, you have to give them some feeling of certainty and of the framework in which they work. I do not think anyone expect that in the poverty area they are going to stay on the job because they get big pay, if they are good people, or because the work is very pleasant. The work is probably pretty tough. They are dealing with the most difficult elements in our communities. So I deeply feel that on that ground, if we can possibly do it, if a Member can reconcile it with his conscience, the burden of proof will be on the opponents to show why we should not put a firm base of authority under this agency.

Now to proceed to the merits. As I see them, the main points in this measure relate to the issue of flexibility, which I have described. This was probably as hotly contested an aspect of the conference as there was and it related to the question of how to transform this agency to an innovative agency of our Government and one which could most encourage effort at the local level. Therefore, the transfer provisions which are contained in the law—the degree of flexibility which you would have between programs—became supremely important. There, I think, a very fair adjustment was made. It was very difficult adjustment to make for both sides. The unlimited flexibility which we had collided with the extremely limited flexibility in the House bill, which did not change the 10-percent add-on provision of current law.

We reconciled that by agreeing that we ought to have the maximum flexibility for programs in their infancy, and we set that ceiling at $10 million. Under the bill, any program that is $10 million or less can be increased by 100 percent. In the case of more settled programs, above that figure, we limited the add-on to 35 percent.

To me, that was one of the very fundamental aspects of the conference, and I think the arrangement was very hard fought and very difficult to arrive at. I doubt that we could have agreed at all had we not been at the end of the session; and finally, at the very last minute, we did come to this agreement. I am not happy about it. I think the Senator is absolutely right and that the agency would be infinitely more creative if the add-on possibilities were unlimited. But we live in a practical, working world, and I think we have made a real achievement in terms of the Senate's original position in getting the House to accept a 100-percent add-on where the program does not exceed $10 million and to accept triple the figure the House had in mind where the programs were over $10 million.

The second matter which, in my judgment, was very serious was the question of local, State, and municipal administration. This is a very big one, because it may be recalled that in 1967 there was a very great struggle in the Congress on the poverty amendment to transfer practically all administration to the States; the opposition to that, in which I joined, was equally determined. It did not happen, but it was a very close call. This question still obtains—now in even sharper focus—because now the agency is essentially an innovative and experimental agency, and there is all the more reason for giving it great flexibility rather than tying it down to State vetoes or a priority or preference to State administration.

Bearing in mind that the managers on the part of the House write their own managers report and that all we can do is express our intention on the floor, I think it is very important to see whether or not the view of the conferees in the Senate coincides with the view of the managers on the part of the House in respect of a matter of intent. I should like to read to the Senate, on this question of administration which is so critically important, how the House managers conclude their report. They say:

> It must be quite clear that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulations that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of Congress.

Mr. President, the Congress consists of two Houses. We must assume that when the House has approved the conference report this represents the intention of the House as expressed by its managers.

But if I were asked to interpret it—and I greatly appreciate the view of the

principal manager on the part of the Senate, the chairman of our subcommittee or his designee—it is my concept that what we wanted to do was to establish the most efficient and creative solution.

I would say, interpreting the views which are implied in this report, that both House and Senate conferees would agree that State domination is not intended. On the other hand, I would not wish the implication that there is an existing preference for local determination and local control. To the extent that the House managers imply support for an arbitrary preference for local community administration—that, too, should be rebutted.

I rather think what we want is a wide open field in which there shall be no preference but in which there shall be no domination or compulsion or guidelines that it must be a State or local control or a municipal administration that has priority; but whatever creatively is in the best interests of the program.

Mr. MONDALE. Mr. President, I agree. Actually, what the conference committee did in effect, was not to change the law, but to keep the law as it was and is relating to community action programs—community based and operated programs. There has been no change at all. The purposed Quie-Green amendment to drastically increase State control over these programs was defeated in the House.

The Murphy amendment, which was adopted on the floor of the Senate, to give nonoverridable Governors' veto power over the legal services program was dropped in conference.

So, in effect, there is no change. The law is as it has been since the 1967 amendments, set forth in section 210(a) of the Economic Opportunity Act, and there is no change at all.

Mr. JAVITS. Except that the legal services program is made nondelegable.

Mr. MONDALE. Yes, but, in terms of local or State control, the law is the same.

Mr. JAVITS. Yes. It does not change the situation on local or State control even as to legal services.

Mr. MONDALE. The Senator is correct. As the Senator knows the nondelegability of legal services was adopted to prevent it from being delegated to another Federal agency of Government.

Mr. JAVITS. I thank my colleague. I think that spells it out accurately. We do not want any implication that there is a preference for anyone and the Director of OEO, subject to our legislative oversight, will call them as he sees them on the basis of the best job that can be done.

I have one other point and then I shall be finished. My point relates to manpower training, which is a very important part of the work under the Economic Opportunity Act. Again, managers on the part of the House express themselves as follows:

> The managers on the part of the House are fully aware that the Director has delegated to the Secretary of Labor authority to carry on programs similar to those provided for in this new part. The conferees agreed that those existing programs could continue to be carried particularly, but not exclusively, in connection with the concentrated employment programs, and that the scope of their activities not be reduced by reason of the enactment of this additional provision. It had been the plan of most of the House Managers that the Director would be directed to retain, rather than delegate, this new authority.
>
> They did not insist, however, that he do so; but they do insist that these programs and other manpower and job programs be carried on as originally conceived and designed by the Congress, that there be no reduction in their magnitude, that recent limitations on eligibility (such as those dealing with older workers) be removed, that the "New Careers" program retain real substance and not be limited to public service activities, that substantive efforts such as those going on at the University of Minnesota be encouraged to improve and continue. In short, the managers on the part of the House will insist that the policies and purposes enunciated by the Congress be adhered to. It is their expectation that under this part special emphasis will be placed on single purpose programs, that programs of limited size and scope will be carried out, especially in rural areas, and that the rural poverty areas will receive an equitable share of the assistance being provided.

Again, I am expressing my own understanding of the Senate conferees, as I understand it, that except for specific legal changes which are made with respect to Mainstream and New Careers—and they are not major in nature—the manpower programs will go on as at present but that they must be subject to whatever we do about new manpower legislation because both the Senate and the House will have before them manpower bills proposed by the administration. There may be a manpower bill from the party in control of Congress. Both sides in their original reports on the OEO made it very clear that there is to be a comprehensive review of the manpower policy scheduled for early in the next session of Congress.

For example the House says, in its report, No. 91–684, on its bill:

> With a comprehensive review of manpower policy scheduled for early in the next session of this Congress, the committee decided that it would not undertake substantial revision of title I at this time.

Similarly the Senate in its report on the OEO bill this year, Senate report 91–453, provided:

> The administration has requested prompt consideration of its proposed Manpower Training Act of 1969. The committee intends to begin extensive hearings on this comprehensive proposal in the near future. The hearings will give administration witnesses, local officials and citizens an opportunity to comment on that proposal in the light of experience gained through the manpower program administration since the passage of the Manpower Development and Training Act in 1962.

The only qualification, then, to the expression of Members on the part of the House is that programs are not necessarily frozen for the entire 2 years during which this bill will operate. Both the Senate and House understand that as a result of consideration of the Manpower Training Act—undoubtedly next year—and any proposal made by the majority, there may be changes, but that presently we do not contemplate any until we actually get to the point of hearings and possibly legislation on new manpower approaches which the administration has submitted. With that qualification, I think the managers have properly suggested what both groups of conferees had in mind.

Mr. MONDALE. In response to the Senator from New York, let me say that his understanding is correct. We have already begun hearings on the manpower program. There will be more, which will include a review of the manpower aspects of OEO.

The conference report expresses concern that the mainstream program continue as a strong program. Although a small one, it is one of the few programs that is successful and well received in rural America. We very much want it continued. That is the reason the House asked that it remain as a separate title, and we receded to the House in that effort.

Second, the mainstream program has been very useful to persons who have reached the later years of life. We hear rumors that shortly there will be promulgated a regulating limiting mainstream eligibility to persons under 55. That may not be correct, but the rumors are persistent enough to make us apprehensive. That is why that language appears. It expresses the will of the conference.

Many of us fear the developmental and quality aspects of the new careers program are being eliminated by the Department of Labor. It is being converted into a small public service employment effort without any quality career development effort.

We are proud of the University of Minnesota new careers program. I appreciate the help the Senator from New York has given us on this. We have one of the outstanding new careers program in the country there, which seeks not only to provide employment to persons but also to assist them in going on to college or to a vocational educational school; there are other aspects of the program to help persons move up the career ladder.

We hope that the highly successful but yet experimental efforts will be continued. That is the reason for the language to which the Senator from New York has referred.

Mr. JAVITS. I want to be sure we understand what we contemplate, that we would not expect to hold that for 2 years. As we go into the manpower training hearings, it could be changed.

Mr. MONDALE. The Senator is correct.

Mr. JAVITS. The last point. It is my judgment that the very best result that could be obtained from the differing views of the two Houses—and I signed the report after much consideration—is that it will vest in the Director a program in which he can prompt the creativity and the innovation which will provide a way to redeem people from poverty, leaving to the other agencies the services which other people require.

That is the basic objective of the President. It is my judgment that if the conference report is approved, the fundamental concept of the administration as to what shall happen to the war on

poverty will have been incorporated as a firm foundation into law.

I hope very much, because of the problems of personnel, and so forth, with the greatest respect to the views of my colleague, it is my deep conviction that we should not go home from this session of Congress without giving a statutory base for a settled period of time to this agency if we really expect—and I know that we do—to do the creative and the innovative job which President Nixon has designed.

Mr. YARBOROUGH. Mr. President, as chairman of the Labor and Public Welfare Committee, I am very pleased with the final outcome on the bill to extend the Office of Economic Opportunity.

As you know, the Senate and House passed very similar bills, to extend the present program for 2 years. The Senate and House conferees, under the chairmanship of Senator NELSON, who is chairman of our Subcommittee on Employment, Manpower, and Poverty, have now resolved the differences and agreed to a very fine compromise bill.

What this bill does is continue some very worthwhile programs. No one is going to make the claim that this bill does everything that needs to be done to correct the very serious and very widespread poverty we have in this country. But it at least maintains and to some extent strengthens and improves the programs which we have been developing over the past 5 years in our long overdue effort to fight poverty.

We have more than 25 million Americans living in poverty. An estimated 15 million of them suffer from actual hunger or malnutrition.

More than 75 percent of the funds authorized in this bill will go to provide job training, health programs, and education programs for these people. Those are the areas that the Economic Opportunity Act emphasizes—job training, health, and education.

This bill will enable us to continue operating some 40 Job Corps camps, including the outstanding Gary Job Corps Center at San Marcos, Tex. It will provide funds for the Neighborhood Youth Corps program which provides employment for several hundred thousand young men who would otherwise be out of work.

It continues and substantially expands the program known as Operation Mainstream, which has enabled local units of government and private organizations such as the Farmers Union to hire thousands of unemployed men in rural areas to do worthwhile work in conservation, forestry, highway beautification, and other forms of public service.

It continues the Headstart program, which is giving more than 600,000 preschool children their first chance at medical and dental examinations and the special services needed to prepare them for school.

It provided a much needed expansion of the emergency food and medical services program, which is now operating in 1,000 counties, mostly in rural areas. It continues our comprehensive health services program, which operates health centers in 50 poor communities.

It enables us to continue our special programs for migrant workers, which have helped more than 10,000 people with training and with the adjustments necessary to shift to new lines of work and settle in new communities. It allows us to continue our rural loan program, which has already helped about 45,000 poor people to improve their farms and their homes.

Mr. President, this is a badly needed program. It has been forced to operate in the glare of controversy ever since it was established. But it is proving itself.

Early this year there were published reports that the President was going to let the war on poverty die.

One of the first things Senator NELSON and I did in this Congress was to write to the President and urge him not to do that. The chairman of the House Education and Labor Committee, Congressman PERKINS, of Kentucky, joined with us in that appeal. Ultimately, the President came around to requesting a 2-year extension of the present program.

We are glad that after carefully considering all the evidence he came to that conclusion.

The Nation cannot do otherwise. As long as we have some 25 million desperately poor people in this country, we cannot escape the responsibility of offering at least some of them the opportunity for job training, health service, and educational assistance without which they can never hope to win a place in our society as productive, self-sufficient citizens.

Mr. President, I want to congratulate all those who worked so hard on developing this bill and perfecting it to the point where it has won such broad acceptance. The conferees have done an exceptional job, of which both Houses can be proud. And as we accept this conference report today and send this bill on to the President, we can at least feel some assurance in that we have faced up to a responsibility which this Nation can never ignore again.

Mr. CURTIS. Mr. President, my basic reasons for not signing the conference report on the tax bill are budgetary and fiscal. I shall make a full statement on this later.

While the bill makes a number of tax reforms of which I heartily approve, it contains one manifest departure from historic tax policy, indeed, from national policy, which I believe is so grave that I am impelled to comment on it at once. I refer to the imposition of an income tax on foundations.

I am convinced that this is a grievous error. For the first time in our history, the income tax exemption of a large class of our private philanthropic and charitable organizations has been destroyed, and only the rate of tax will differentiate them from other taxpayers. This is a serious blow, with unfathomable long-range implications, to the private sector and to the vital part that private philanthropy historically has played in American life. We have now crossed the line toward total secularization of our society and total dependence on government for the educational, philanthropic, and charitable activities which traditionally have been, and should be, carried on by the private sector.

I hope at an early date that this unfortunate action will be reconsidered.

Mr. KENNEDY. Mr. President, passage of this conference report on the Economic Opportunity Amendments of 1969 marks an important moment in our Nation's battle against poverty. It is an endorsement of the antipoverty approaches which have developed over the last 4 years. It is a recognition that we must continue to seek new ways to combat deprivation. It is a clear expression of our commitment to assist the poor and the disadvantaged in our society.

In total wealth and in individual opportunity, no nation in the world can match the United States. Our gross national product is nearing $1 trillion a year. Median family income is over $8,000 a year—almost $2,000 higher than in the country with the next highest standard of living. We are surrounded by the trappings of material wealth.

Despite our aggregate prosperity and national wealth, however, an estimated 25 million Americans still live in serious poverty—without necessities such as food, clothing, shelter, and medical attention, which the fortunate of us take for granted; and without the opportunities for education and employment required to enjoy a satisfactory standard of living.

For the last 4 years, the Office of Economic Opportunity has been the focal point for a concentrated Federal effort to combat poverty in America. The problems it has faced have been great. The results it has achieved have been encouraging.

For example, from 1965, when the OEO program began, through 1967, 7 million Americans escaped from poverty status. In 1968, approximately 4 million more rose above the poverty line for that 1 year alone. The trend is continuing. Programs under the Economic Opportunity Act have been an important influence in achieving these results.

The action by both the Senate and the House on extension of the Economic Opportunity Act has indicated a strong congressional commitment to local initiative and the community action approach. For this is the heart of our Federal antipoverty program. And Congress expressly rejected attempts to weaken this commitment.

In its report to the congressional Committees on Appropriations, dated November 1969, OEO reiterated its commitment to local initiative:

> Local initiative funds are the core of the Community Action concept. They make possible the structure through which the process of community action is carried out; they enable each community to tailor its total antipoverty program to its peoples' needs, and they are the primary means by which self-help by the poor is undertaken.

I endorse that view on the importance of local initiative and community action. And I agree with the statement of priorities spelled out by the House conferees in their "statement of managers" on S. 3016:

> The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House

committee report, the opportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of Congress.

Antipoverty efforts cannot succeed if they are paternalistic. They must be generated and carried out at the local level, by the people who themselves have experienced poverty and know the desires and the needs of our low-income citizens. Long-run progress cannot be thrust upon the poor; it must be developed and supported from within, even if this ultimately means inconvenience and change and loss of power among our more established institutions of society.

Mr. President, I think that as chairman of the Poverty Subcommittee, Senator NELSON has done a superb job in developing and carrying through Congress this year's economic opportunity amendments. He has been thorough and dedicated and diplomatic in managing an extremely important, and equally controversial, piece of legislation. I commend the distinguished Senator from Wisconsin for his successful work.

I should add that the House of Representatives should also be recognized for its strong support of the local initiative approach to antipoverty programs, especially in light of the concerted effort to vitiate the present program and turn it into a State-controlled block-grant system. It was a singular triumph for the legislators who are dedicated to helping the poor help themselves, for the 25 million poverty-stricken citizens in this Nation, and for the distinguished chairman of the Education and Labor Committee, CARL PERKINS, who persevered and saved the program at a time when it was in imminent danger of being destroyed.

Mr. President, again I commend Senator NELSON for his important work and contribution on behalf of our Nation's poor. I strongly support the conference report on the Economic Opportunity Amendments of 1969 and feel that their passage reaffirms once again our national commitment to eliminate poverty.

Mr. DOMINICK. Mr. President, for the information of Senators, I want to repeat that I will send a motion to recommit to the desk shortly, and that there will be a rollcall vote on it. I shall not be long in expressing my reasons.

One reason that I refused to sign the bill is that the flexibility which we had built into the area of the program, even in previous years, is not retained in the bill.

Although the conference bill increases over present law the percentages of program funds which can be moved from one program to another, the increases in what can be transferred out of a program are not as great as those in the Senate bill, and the Senate bill did not put a limit on the increases which can be transferred into a program. Yet the conference bill includes extensive earmarking of funds.

Since we did not earmark funds last year, the 10–10 provisions of present law were not a major problem. The 10–35 provisions of this bill for 1970 and 15–35 for 1971 may be. It is interesting that when the Democrats were in charge of OEO, they were against earmarking. Now that Republicans are in charge of OEO, the Democrats are in favor of earmarking.

I say that not necessarily to chide, but to bring it up so that they will not think we have forgotten that particular point.

In previous years there have been problems in transferring money even without the added restriction of earmarking. In the comprehensive health centers, last year, for example, the OEO was unable to use the amount of money it had originally available for this type of program, $70 million. The amount actually obligated was only $52 million. This was much more than the 10-percent reduction permitted by present law so the excess unused money could not be transferred to other needy programs. In like manner, on some of the programs which they wanted to start, OEO representatives feel that they will be increasing the programs, if they can have more flexibility, by more than the 35 percent which is permitted under the bill.

Why do we find ourselves in this position? We increased the flexibility in our Senate bill and also put in earmarking. The House retained the old flexibility and did not have earmarking. The core of the problem today is that the conference bill takes a different twist. It reduces the flexibility and increases earmarking. So we have the situation in which the innovative features which Mr. Rumsfeld and the OEO would like to initiate are sharply restricted under the conference report.

There is another item which should be pointed out. In the Senate bill, at the request of the Comptroller General, we included the power to audit and examine the financial records of grantees under the OEO program. For reasons that are totally unknown to me, it was knocked out of the conference at a time when I could not be there. The conference bill provides no power or authority for the Comptroller General to be able to audit accounts of people receiving benefits under the OEO.

It is my understanding that there is some authority in the appropriation conference report. It seems to me it is rather ironic to have it in the appropriation bill and not to have it in the authorization bill.

Mr. NELSON. Mr. President, will the Senator yield so I may respond to that specific point?

Mr. DOMINICK. I am happy to yield to the Senator from Wisconsin on that point.

Mr. NELSON. First, the authority of the General Accounting Office to have access to grantees' records for purposes of audit has always been in the appropriation bills. It is contained in the item appropriating funds for OEO. It has never been in the authorization bill. However, that was not the reason why the House declined to go along with the provision for the audit in the authorization bill. Although I assume it was a technical mistake in drafting, the Senate-passed OEO authorization bill provision was drafted so that it authorized the GAO to have access to records for audit purposes only with respect to title II funds. He could not have such audit access under the terms of the provision in the Senate-passed version of the OEO bill. I am sure the author did not intend to have it limited only to title II. The House had nothing in its bill with respect to GAO audits. The point was raised that if the House had nothing in its bill, it could not accept expansion of the authority to cover all titles in the Economic Opportunity Act because it would be subject to a point of order. Therefore, since it was limited to title II, and is covered in the HEW-Labor appropriations bill, H.R. 13111, that passed the Senate this week, that is, the appropriations bill which contains the OEO appropriations, and in the conference report on that bill, it was resolved in that way. That was the discussion that went on when the Senator from Colorado could not be there, and that provision was dropped for that reason.

Mr. DOMINICK. I thank the Senator, I think it is better to leave the authority in so the Comptroller General can audit some than to strike out the provision because it covers only one title instead of all of them.

As pointed out in the colloquy between the Senator from New York and the Senator from Wisconsin, another thing that was knocked out of the conference was the Murphy amendment, giving the Governors some authority over the legal services. Retained was a provision in the Senate bill, which the Senator from Minnesota had proposed, and which the House bill did not have, providing that the legal services program cannot be delegated. The conference bill specifies one program out of all the programs of OEO which cannot be delegated. It is the only program which cannot be delegated to another agency, whether it is working well or not.

I know the Senator from Minnesota felt deeply about this. The affect, however, is a national legal services program. We are not going to be able to operate it through any other agency or through regional offices, but it must be directly under the director.

For the reasons I have stated, and others, I send to the desk a motion to recommit the conference report with the following instructions, which I ask the clerk to read.

The PRESIDING OFFICER. The clerk will read.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Colorado (Mr. DOMINICK) moves to recommit the OEO conference report with the following instructions:

(1) The Senate conferees insist on the elimination from the conference report of any language relative to Section 104(b), legal services for members of the Armed Forces.

(2) The Senate conferees insist on the Senate's provision relative to audits.

(3) The Senate conferees insist on the elimination from the conference report of any language relative to the making of a specific reservation of funds for local initiative programs.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I shall be rather brief.

The instructions to conferees are limited to three points.

The first point is to limit the potential of jurisdictional conflict where OEO starts moving in on the Department of Defense. That is the position I took in the process of discussing the Carey amendment. Debate on it went on for a considerable time. At one time I thought we were going to get simply a statement and a report. We did not get that. This is the position the Senator from Mississippi (Mr. STENNIS) has taken in the process of discussing this particular provision of the bill.

The second instruction is relative to audits. There is in the hearing record a letter from Mr. Staats, Comptroller General of the United States, to the chairman of the Senate Labor and Public Welfare Committee, which reads as follows:

In our reports on proposed grant programs, we have consistently called attention to the desirability of including in new authorizing legislation specific provisions requiring grantees to keep records which would fully disclose the disposition of the funds received and authorizing the administrative agencies and the Comptroller General to have access to the grantees' records for the purpose of audit and examination.

Under present authority, our right of access to all OEO grantees' records ended with the close of our investigation under title II of the Economic Opportunity Amendments of 1967. We had broad access authority under our title II investigation and prior to the 1967 amendments we had access to grantees' records bearing exclusively on grants under section 202 as amended by Public Law 89-794, 42 U.S.C. 2782(b) (Supp. II). Also under chapter III of the Supplemental Appropriation Act, 1968, Public Law 90-239, 81 Stat, 774 we had the same access right for fiscal year 1968. In view of these circumstances, we feel that our Office needs clearly stated authority for audit of OEO contractors' and grantees' records in any legislation that would extend or revise the activities of the Office of Economic Opportunity. Such authority is provided to Federal grantor agencies and to the Comptroller General, with regard to grants-in-aid to States, pursuant to section 202 of Public Law 90-577, the Intergovernmental Cooperation Act of 1968. It is suggested that language along the lines of that cited in Public Law 90-577 applicable to all OEO grantees would be appropriate in S. 1809.

The Senate attempted to give this authority, but apparently limited it intentionally to programs funded under title II, instead of all OEO. Now it is stated that since the Senate bill did not encompass all OEO programs, the conferees struck out the right to audit even under the title II programs. I would say this is a strong reason for insisting on the Senate's provision with respect to audits.

The third provision in these instructions is an interesting one. Neither the Senate nor the House—I want my colleagues to note this—had anything in the bill with regard to having a mandatory reservation of funds for local initiative programs. It was adopted, however, by the conference. That means $328,900,000 must be reserved and made available for each of the fiscal years for local initiative programs carried on under section 221 of the act.

This is a reservation off the top of the funds. Only the remainder of the appropriations for each such year would be allocated and prorated in the prescribed manner among the earmarked programs.

The amount reserved is not subject to transfer under section 616 of the act. That means that this amount of $328,900,000 cannot be either increased or decreased under section 616, and there is no flexibility in it whatsoever as a result.

Furthermore, it also says that although we have a provision for pro rata reductions where the appropriations do not meet the level that is expected, the funds received for local initiative programs would not be subject to such reductions.

This reservation was not in the Senate or House bill, so it would seem to me that the conferees have not only exceeded their authority—and I may bring up a point of order on this later—but it also seems to me that they have done something to anchor in local programs which we may want to change, we may want to increase or we may want to reduce, which we cannot do under the language of the conference report.

Mr. President, we ought to insist that local initiative programs should be as much subject to the other provisions of the act as all the other programs enumerated in the conference report.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. PROUTY. I was absent from the Chamber during a part of the Senator's statement. I was wondering if the Senator intends to take action to restore the powers of the Comptroller General.

Mr. DOMINICK. I certainly do. It was the Senator from Vermont who first offered this amendment, I believe, which was included in the Senate bill. I have put that in as a second provision, that the Senate conferees insist on the Senate provision relative to audits.

Mr. PROUTY. I thank the Senator. I believe the action the Senator is seeking is proper, and I support his motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to recommit the conference report, with instructions.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it true that those who wish to recommit should vote "yea," and those who are against recommittal "nay"?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Will a second vote then recur on the conference report itself?

The PRESIDING OFFICER. Assuming that the motion is not agreed to, the Senator is correct.

The question is on the motion to recommit of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FULBRIGHT. On this vote I voted "nay." I wish to pair with the Senator from Louisiana (Mr. ELLENDER). If he were present, he would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD. Mr. President, the Senator from Louisiana is absent on official business at my request. That explains why he is not in the Chamber.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the the Senator from Rhode Island (Mr. the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Montana (Mr. METCALF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 31, nays 42, as follows:

[No. 267 Leg.]

YEAS—31

Allen	Dole	Miller
Allott	Dominick	Packwood
Baker	Fannin	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Smith, Maine
Boggs	Hansen	Sparkman
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Jordan, N.C.	Thurmond
Cannon	Jordan, Idaho	Young, N. Dak.
Cotton	McClellan	
Curtis	McIntyre	

NAYS—42

Aiken	Harris	Montoya
Bayh	Hart	Moss
Bible	Hartke	Muskie
Brooke	Hatfield	Nelson
Burdick	Holland	Pell
Church	Hughes	Proxmire
Cook	Jackson	Ribicoff
Cranston	Javits	Saxbe
Dodd	Kennedy	Schweiker
Eagleton	Magnuson	Scott
Ervin	Mansfield	Spong
Fong	Mathias	Williams, N.J.
Goodell	McGovern	Yarborough
Gore	Mondale	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Fulbright, against.

NOT VOTING—27

Anderson	Inouye	Percy
Case	Long	Russell
Cooper	McCarthy	Smith, Ill.
Eastland	McGee	Stevens
Ellender	Metcalf	Symington
Fulbright	Mundt	Talmadge
Goldwater	Murphy	Tower
Gravel	Pastore	Tydings
Hollings	Pearson	Williams, Del.

So the motion to recommit with instructions was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays on final passage.

Mr. DOMINICK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. DOMINICK. I have a point of order on a section of the bill, that the conferees have exceeded their authority, under rule XXVII.

The PRESIDING OFFICER. The Senator from Florida had the floor and asked for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. If the Senator from Colorado desires to raise the point of order at this time, he will be recognized.

PERSONAL STATEMENT

Mr. COTTON. Mr. President, will the Senator yield to me for a moment?

Mr. DOMINICK. I yield to the Senator from New Hampshire, with the understanding that I will not lose my right to the floor.

Mr. COTTON. Mr. President, I think it is an appropriate time for the Senator from New Hampshire to be permitted to make a request for unanimous consent on a personal matter, because it pertains to this subject.

In the conference between the House and the Senate yesterday on the Health, Education, and Welfare appropriation bill, we had nearly completed our conference when the House Members were called to the floor of the House by a rollcall vote. As has been customary for years, the clerks of the conference committee came to each Member and said, "When you come back and finish up the conference, you gentlemen may be leaving hurriedly. Will you sign the conference report in advance, so we will not have to pursue you all over Capitol Hill?" As we have done dozens of times, we did sign the report in advance.

We reassembled after the House rollcall, and a couple of final matters pertaining to the language in the bill were determinated, and then the Senator from New Hampshire addressed the chairman of the conference committee, a Member of the House, and asked to be heard, and started discussing this very appropriation on OEO, to make some observations and possible suggestions that might influence the conference committee to alter their decision somewhat.

To the amazement of the Senator from New Hampshire, the Chair gaveled him down, said that he was out of order, that the conference was terminated, that he had the signed conference report in his pocket, and that the Senator from New Hampshire could not even be heard.

The Senator from New Hampshire sought afterward to remove his name from the conference report, but was not allowed to do so. He intends to go over to the House side and take the matter up with the Parliamentarian of the House to see if it can be removed over there.

But in this peculiar circumstance, which is the most astounding exhibition that this Senator has seen in his 23 years in the House and Senate, the Senator from New Hampshire does want, if possible, to let it be known publicly that he desires his name off of that report. That report will not come to the Senate, presumably, under the present arrangements until the 19th of January.

The Senator from New Hampshire asks unanimous consent now, that when the report of the conference committee on HEW reaches the desk of the Senate, his name be removed therefrom.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, will the Senator inform me who the chairman of that conference was?

Mr. COTTON. It was an old and close friend of mine, with whom I have served on the Appropriations Committee of the House and whom I greatly like and admire, Representative FLOOD, of Pennsylvania. It had been a long conference and Mr. FLOOD was tired. I bear him no ill will but want my name off that report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969—CONSIDERATION OF CONFERENCE REPORT CONTINUED

Mr. DOMINICK. Mr. President, I am raising this question of a point of order on the fact that the conferees may have exceeded their authority, and I think they did.

What I have referred to is the so-called local initiative programs, or the CAP programs. Under title II, the Senate bill authorized over 1 billion dollars, and earmarked a portion of that for seven programs under that title. The CAP programs were not earmarked or reserved by the language of the Senate bill. The House bill did not have any earmarking, nor did it set aside funds in the form of a reservation for the CAP program. When we went into conference, although title II contemplates local initiative type of programs, there was no reservation of funds for local initiative in either the House or Senate bills for the conferees to act upon. Yet the agreement by the conference requires that $328.9 million must be reserved—positive language, "must be reserved"—and made available for each of the fiscal years for local initiative programs. This reservation comes off the top—before allocation to earmarked programs so it is not subject to transfer under section 616 of the act, the flexibility portion.

We had a House bill which made no earmarking or reservations of any kind and, then, the conference comes up with a reservation of one-fourth to one-third of the total amount of money in title II reserved for the CAP program. Let me make clear that, unlike the earmarked programs, this reservation of $328.9 million is not subject to any rate of reduction when appropriations do not fully fund the authorization.

Mr. President, I make the point of order that the reservation exceeds the authority of the conferees. I did not want to do this. I had hoped my motion to recommit would straighten it out but since that motion was defeated I find myself in a position where I must make a point of order. I raise it under rule XXVII.

Mr. MANSFIELD. Mr. President, before the Chair rules, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, (at 2 o'clock and 25 minutes p.m.) the Senate took a recess for 5 minutes the same day.

On the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. MONTOYA in the chair).

The PRESIDING OFFICER. Will the Senator from Colorado restate his point of order?

Mr. DOMINICK. Mr. President, the point of order is that, under rule XXVII, it is my opinion that the Senate bill did not contain any specific reference to local initiative programs; certainly did not reserve any funds for it; that the House did not; and that the conferees, to be specific, put in a reservation for local initiative programs in the amount of $328 million; not only have they done that but they also said that it is no subject to transfer or pro-rata reduction if appropriations are insufficient to fully fund. I make the point of order that the conferees have exceeded their authority under rule XXVII.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. Did the Senator complete his remarks?

Mr. DOMINICK. Did the Senator want me to go over it again?

Mr. NELSON. No. Did the Senator give up the floor?

Mr. DOMINICK. For the moment, yes.

Mr. NELSON. Mr. President, the Senate sent——

The PRESIDING OFFICER. The Chair will state for the RECORD that the Chair does not have to entertain debate on this point of order, but the Chair is entertaining debate at this moment for the edification of the Senate on this point.

Mr. NELSON. Mr. President, the Senate passed a bill in which all of the money in the bill was earmarked. The House took the Senate bill and struck everything in the bill except the enacting clause, and then it passed a bill without earmarking.

The issue raised by the Senator from Colorado is that within title II there are local initiative programs. They are in the law now. We, in our bill earmarked all of title II excepting some unearmarked reserve within the title. We earmarked for title II a total of $1,012,700,000. Within the title we earmarked specific amounts for several items. There then remained within that title II an unreserved residue of about $400 million.

Then, in the committee language, so it will be understood how that money was to be spent, on page 14 of the Senate committee report (S. Rept. 91–453) which accompanied the Senate bill we said:

> The committee bill authorizes $1,012,700,000 for title II—Urban and Rural Community Action programs. More than half of this authorization is earmarked, program by program, for the so-called "special emphasis" programs such as Headstart, Emergency Food and Medical Services, etc., some of which are operated by Community Action agencies.
>
> The remainder of the title II authorization—a total of $412.9 million for fiscal 1970 and $397.9 million for fiscal 1971 after reserving funds for the two new special emphasis programs for Alcoholic Counseling and Recovery and Drug Rehabilitation—remains unearmarked and may be allocated by the Director in the manner he deems suitable. It is expected by the committee that the bulk of this unearmarked money will be spent for Community Action "local initiative" programs—

These are the programs we are talking about—

> those distinctive local programs developed by the 969 CAA's and approved by OEO.

So we are referring in here exactly to the money in question and to the local initiative programs and we mentioned it in the Senate report.

> Other activities financed out of this title's authorization are (using the categories as described by the Administration in its budget presentation): Program direction; training and technical assistance; State economic opportunity offices; research, pilot programs and evaluation.

So I submit it was perfectly clear in the Senate report which accompanied the Senate bill before this body acted upon it in October—perfectly clear to everybody—that this unreserved amount of total earmarked money in title II was specifically intended to cover the local initiative programs. There was never any doubt about that by OEO or anyone in the House or this body.

Mr. DOMINICK. Mr. President, in order to repeat my point again, under the language of the Senate bill, as the Senator from Wisconsin has clearly stated, there was $1,012,700,000 for the purpose of carrying out title II.

From that amount, the Senate bill earmarked $338 million for the Project Headstart program, $60 million for the Follow Through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

Not a word about CAP or the local initiative program—not one word in this whole section. As a matter of fact, there is not a word in the entire Senate bill about it.

We have a rule which says we cannot go beyond the two bills. There is nothing in the House bill, either. All of a sudden, in the conference, along comes a House Member who says, "We are going to reserve $328.9 million for CAP, and you have got to spend it. You cannot change it or have it flexible."

I submit that, as a matter of rule, we have a situation here where the only reference in either bill to CAP programs of any kind is in the committee report accompanying the Senate bill. That report states the director "is expected" to use "the bulk" of the nonearmarked title II funds for local initiative programs. He does not have to: He can legally take the entire $328.9 million and spend it somewhere else under the title II program. I doubt if he would, but he could. He could do anything he wishes, including transferring funds in or out of the CAP's just as with other programs. So the Senate committee report language is not binding on him. It does not require him to spend the money on the CAP projects.

It seems to me, under those circumstances, that the conference has gone beyond what either bill anticipated or permitted.

The PRESIDING OFFICER. The Chair is ready to submit the question.

Mr. JAVITS. Mr. President, does the Chair wish to hear me? I shall be very brief.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, the issue is really epitomized by the rule that the conferees may not include in the report matter not committed to them by either House. They may, however, include matter which is a germane modification of subjects in disagreement.

So the question is, Was this committed to us by either House? I respectfully submit it was, and for the following reasons——

Mr. DOMINICK. Mr. President, will the Senator admit reservation of local initiative funds was not a subject in disagreement?

Mr. JAVITS. The purpose of the House was to give a generic appropriation for $1,563 million for the year ending June 30, 1970, and to leave open the year ending June 1971.

The approach of the Senate, as has been explained, was to earmark for carrying out title II $1.012 billion of the total amount authorized by the Senate, which was $2.048 billion.

Mr. President, the reason that I say that the item was committed to us is that there is a distinct difference between unearmarked funds and earmarked funds, and that raises the issue of earmarking. Therefore that issue was committed by both houses. The House of Representatives preferred unearmarked funds in the amount of $1,563,000,000; we preferred earmarked funds, and our figure was $2,048,000,000.

As to the second qualification at issue, which is, whether we submitted a germane modification, I submit that we did. We earmarked $1,012,000,000 for carrying out title II. In the resulting conference, the earmarking of $328 million which is complained of was specifically for section 221 of the Economic Opportunity Act of 1964.

Section 221 of the Economic Opportunity Act of 1964 is a part of title II, and therefore it is germane to settle between the parties what shall be encompassed within an earmarking which relates to title II, assuming that the Senate prevailed on the issue of earmarking at all.

Therefore, it seems to me, first, the issue was committed as between unearmarked funds and earmarked funds; and second, that it was a germane agreement that the conferees made, because the Senate allocated the resources to title II, and the settlement extracted a part of the money which was provided for those resources for a given section of title II.

So I believe that what was done in the conference qualifies on both scores.

Mr. DOMINICK. Mr. President, will the Senator yield for one or two questions or comments?

Mr. JAVITS. Certainly.

Mr. DOMINICK. What we have here is not an earmarking, it is a reservation. That means that if the Appropriation Committees should, under title II, only appropriate $328,900,000, all of that money would have to go to CAP and none of the money would go to anything else. So it is a reservation of funds, which goes far beyond earmarking, because it is not subject to reduction, allocation, or transfer.

I ask unanimous consent that section 102 of the conference bill and the explanation in the conference report be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[Bill]

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,195,500,000 for the fiscal year ending June 30, 1970, and $2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than $328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964, and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in

such a manner that of such remaining amounts so appropriated for each fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and career development programs);

(4) $811,300,000 shall be for the purpose of carrying out title II, of which $398,000,000 shall be for the Project Headstart program described in section 222(a)(1), $90,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(5) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(6) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(7) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and

(8) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriate pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $34,700,000 for the fiscal year ending June 30, 1971, to be used for the Special Work and Career Development programs described in part E of title I;

(3) $180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(4) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3);

(5) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(6) $112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family Planning program described in section 222(a)(6);

(8) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a)(7);

(9) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(10) $50,000,000 for the fiscal year ending June 30,1971, to be used for Day Care projects described in part B of title V.

[Conference report]

AUTHORIZATION OF APPROPRIATIONS

The Senate bill provided authorization of appropriations for the fiscal year 1970 of $2,048,000,000. The House amendment in contrast authorized the appropriation for fiscal year 1970 of $2,343,000,000, of which $1,563,000,000 was authorized for carrying on programs for which the House did not make separate authorization of appropriations. The bill agreed to in conference authorizes the appropriation of $2,195,500,000 for the fiscal year 1970.

For the fiscal year 1971, the House amendment authorized the appropriation of such sums as may be necessary. The Senate bill authorized the appropriation for that year of $2,148,000,000, but, in addition, authorized the appropriation of the following:

(1) $14,000,000 for Special Impact programs under part D of title I,

(2) $240,000,000 for Project Headstart programs,

(3) $32,000,000 for Legal Services programs.

(4) $80,000,000 for Comprehensive Health Services programs.

(5) $150,000,000 for Emergency Food and Medical Services programs,

(6) $3,200,000 for the Senior Opportunities and Services programs,

(7) $15,000,000 for assistance for migrant and seasonal farmworkers under part B of title III, and

(8) $50,000,000 for Day Care projects under part B of title V.

The conference substitute authorizes $2,295,500,000 for the fiscal year 1971 and authorizes the additional amounts which were authorized by the Senate bill with the following exceptions: (1) an additional authorization of $15,000,000 for family planning programs; (2) the additional amount for Headstart is reduced to $180,000,000; (3) the additional amount for Emergency Food and Medical Services is reduced to $112,500,000.

ALLOCATIONS

The House amendment did not provide allocations to specific programs of amounts appropriated, except to the extent the separate authorizations contained in the House amendment for special work and career development programs, special preschool and Follow Through programs, and intensive programs to eliminate hunger and malnutrition constituted a separate allocation of appropriations.

The Senate bill in contrast provided special allocations for a number of the programs carried on under the Act. These were the following:

(1) $890,300,000 for work and training programs under title I.

(2) $46,000,000 for special impact programs under part D of title I.

(3) $1,012,700,000 for community action programs under title II, of which $338,000,000 would be for Project Headstart programs, $60,000,000 for Follow Through programs, $58,000,000 for legal services programs, $80,000,000 for comprehensive health services programs, $25,000,000 for emergency food and medical services programs, $15,000,000 for family planning programs, and $8,800,000 for senior opportunities and services programs.

(4) $12,000,000 for rural loan programs,

(5) $34,000,000 for migrant and seasonal farm worker programs,

(6) $16,000,000 for administration and coordination under title VI,

(7) $37,000,000 for carrying out VISTA.

The conference substitute adopts the plan of the Senate bill with a major change. As adopted by the conferees, $328,900,000 must be reserved and made available for each of the fiscal years for local initiative programs carried on under section 221 of the Act, and only the remainder of the appropriations for each such year would be allocated in the prescribed manner. The amount so reserved is not subject to transfer under Section 616 of the Act. The allocations described above are retained in the conference substitute, except that a new allocation of $20,000,000 is made for carrying out the new part E of the Act. It should be noted that the provisions of the Senate bill requiring pro rata reductions in allocations where appropriations are insufficient to make such allocations in full are course, the funds reserved for local initiative retained in the conference substitute, but, of programs would not be subject to such reductions. It should also be noted in considering these allocations that the conference substitute retains the provisions of the Senate bill which require the Director to reserve and make available not less than $10,000,000 for the fiscal year 1970, and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Alcoholic Counseling and Recovery program and to reserve and make available not less than $5,000,000 for the fiscal year 1970, and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Drug Rehabilitation program.

Mr. JAVITS. I respectfully submit, in reply, that the Senator's point goes to the qualitative issue involved, which is: having once decided that it is germane, what do you do about it?

That was tested by the Senator's motion to recommit. All we are arguing now is the jurisdiction to do anything about it. I do not think that contests the jurisdiction. The Senator does not like what we did, and I respect his position, but I submit that that is not the point at issue.

The PRESIDING OFFICER. The Chair is ready to submit the question.

The point of order is directed to the propriety of the so-called reservation in the conference report under section 102 of the conference report.

The Senate rule; namely, rule 27.3, reads as follows:

(a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

In this particular case, there was a lump sum authorization which anticipated various programs which were not enumerated in the legislation, but were mentioned in the committee report. In this case, the program which is made the point of discussion and of the point of order was mentioned in the Senate committee report which brought out the authorizing legislation.

The question that the Senate must decide now is whether, in view of the mention of that program in the Senate report, it was encompassed within the lump sum authorization, so that the reservation or modification may be a subject for the conferees to act upon.

Under these circumstances, and under rule XX, the Chair submits the question to the Senate.

The question is, Did the conferees exceed their authority by including this proviso in the conference report?

Mr. NELSON. Mr. President, I move to lay the point of order raised by the Senator from Colorado on the table.

The PRESIDING OFFICER. I might add that the Parliamentarian has advised me that this question is debatable at this stage.

Mr. NELSON. I move to lay the point of order on the table.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Is that motion in order?

The PRESIDING OFFICER. The motion is in order, and is not debatable.

Mr. DOMINICK. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin (Mr. NELSON) to lay on the table the point of order raised by the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. METCALF) and the Senator from Rhode Island (Mr. PASTORE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

Mr. DODD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from Connecticut is recorded in the affirmative.

Mr. BAKER. Mr. President, am I recorded?

The PRESIDING OFFICER. The Senator from Tennessee is recorded.

Mr. NELSON. Mr. President, I ask for the regular order.

Mr. President, I withdraw the request for regular order.

Mr. GRIFFIN. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Chair is waiting for the vote count. That is the regular order.

The result was announced—yeas 39, nays 38, as follows:

[No. 268 Leg.]

YEAS—39

Aiken	Hart	McIntyre
Bayh	Hartke	Mondale
Brooke	Hatfield	Montoya
Burdick	Hughes	Moss
Cannon	Jackson	Muskie
Church	Javits	Nelson
Cranston	Kennedy	Pell
Dodd	Magnuson	Proxmire
Eagleton	Mansfield	Randolph
Fulbright	Mathias	Ribicoff
Goodell	McCarthy	Schweiker
Gore	McGee	Williams, N.J.
Harris	McGovern	Yarborough

NAYS—38

Allen	Dominick	Miller
Allott	Ellender	Packwood
Baker	Ervin	Prouty
Bellmon	Fannin	Saxbe
Bennett	Fong	Scott
Bible	Griffin	Smith, Maine
Boggs	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Byrd, W. Va.	Holland	Stennis
Cook	Hruska	Talmadge
Cotton	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Young, N. Dak.
Dole	McClellan	

NOT VOTING—23

Anderson	Long	Smith, Ill.
Case	Metcalf	Stevens
Cooper	Mundt	Symington
Eastland	Murphy	Tower
Goldwater	Pastore	Tydings
Gravel	Pearson	Williams, Del.
Hollings	Percy	Young, Ohio
Inouye	Russell	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. METCALF) and the Senator from Rhode Island (Mr. PASTORE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from California would vote "yea."

On this vote, the Senator from New Jersey (Mr. CASE) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 54, nays 21, as follows:

[No. 269 Leg.]

YEAS—54

Aiken	Griffin	Montoya
Allott	Harris	Moss
Baker	Hart	Muskie
Bayh	Hartke	Nelson
Bible	Hatfield	Packwood
Boggs	Hughes	Pell
Burdick	Jackson	Prouty
Cannon	Javits	Proxmire
Church	Jordan, N.C.	Randolph
Cook	Jordan, Idaho	Ribicoff
Cranston	Kennedy	Saxbe
Dodd	Magnuson	Schweiker
Eagleton	Mansfield	Scott
Ellender	Mathias	Smith, Maine
Fong	McCarthy	Spong
Fulbright	McGovern	Talmadge
Goodell	McIntyre	Williams, N.J.
Gore	Mondale	Yarborough

NAYS—21

Allen	Dole	Hruska
Bellmon	Dominick	McClellan
Bennett	Ervin	Miller
Byrd, Va.	Fannin	Sparkman
Byrd, W. Va.	Gurney	Stennis
Cotton	Hansen	Thurmond
Curtis	Holland	Young, N. Dak.

NOT VOTING—25

Anderson	Long	Smith, Ill.
Brooke	McGee	Stevens
Case	Metcalf	Symington
Cooper	Mundt	Tower
Eastland	Murphy	Tydings
Goldwater	Pastore	Williams, Del.
Gravel	Pearson	Young, Ohio
Hollings	Percy	
Inouye	Russell	

So the conference report was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE CONCURRENT RESOLUTION 51—AUTHORITY FOR SECRETARY OF THE SENATE TO MAKE A TECHNICAL CORRECTION IN ENROLLMENT OF S. 3016

Mr. NELSON. Mr. President, I submit a concurrent resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A concurrent resolution to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection the Senate proceeded to consider the concurrent resolution.

Mr. NELSON. Mr. President, the printer made a mistake and designated one section as section 620(d), when it should be designated as section 602(d). That is what the concurrent resolution is about.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, is hereby authorized and directed to make the following correction:

In section 114 strike out "section 620(d)" and insert "section 602 (d)".

CORRECTION IN ENROLLMENT

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which the Senate earlier today agreed to Senate Concurrent Resolution 51 be reconsidered.

The PRESIDING OFFICER. Is there objection? There being no objection, the vote by which Senate Concurrent Resolution 51 is reconsidered. The resolution is before the Senate.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to the concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

SEC. 2. That the Senate recede and concur in the House amendment to the title of S. 3016.

Mr. MANSFIELD. Mr. President, it is my understanding that this has to do only with the title and does not interfere in any way with the content of that which was discussed by the Senate.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Montana? The Chair hears none, and the amendment is agreed to.

The question now is on agreeing to the concurrent resolution, as amended.

Senate Concurrent Resolution 51, as amended, was agreed to as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, is hereby authorized and directed to make the following correction:

In section 114 strike out "section 620 (d)" and insert "section 602 (d)".

Sec. 2. That the Senate recede and concur in the House amendment to the title of S. 3016.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of December 17, 1969, pp. H12633–H12634, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, the House amended the bill as passed by the Senate by striking all after the enacting clause and substituting the text of a new bill. The House bill included provisions similar to those of title III of the Senate bill which would establish a Council on Environmental Quality. It also included a short policy statement, but it omitted most of the provisions of titles I and II of the Senate bill.

The conference report represents a sound compromise worked out in three meetings of the conferees. It is a strong measure which will be an important step toward evolving a sound program of environmental management for the Nation.

S. 1075, the National Environmental Policy Act of 1969, was passed by the Senate on July 10, 1969 had three major titles. Title I provides a "declaration of national environmental policy" which set national goals for environmental management and established supplementary operating procedures for all Federal agencies to follow in planning and decisionmaking which have an impact on man's environment. Title II authorized certain research and data gathering functions. Title III authorized the creation of a three-member Board of Environmental Quality Advisers in the Executive Office of the President.

S. 1075 was amended and passed by the House of Representatives on September 23, 1969. As amended and passed by the House, S. 1075 consisted of one title which authorized the creation of a five-member Council on Environmental Quality.

On October 8, 1969, the Senate disagreed to the amendments of the House of Representatives, agreed to the House's request for a conference, and authorized the Chair to appoint the conferees on the part of the Senate. Prior to the Senate's agreeing to the House's request for a conference on S. 1075, and in connection with debate on S. 7, the Water Quality Improvement Act of 1969, there was a discussion by members of the Senate Public Works Committee and the Senate Interior and Insular Affairs Committee on the relationship between title II of S. 7 and the provisions of S. 1075 as passed by the Senate on July 10, 1969. As a result of that discussion, it was agreed that the Senate conferees on S. 7 and on S. 1075 would seek certain agreed upon changes in each measure in conference committee with the House of Representatives.

The purpose of the agreed upon changes in S. 7 and in S. 1075, which to some extent, dealt with similar subject matter are set out in the October 8, 1969, CONGRESSIONAL RECORD at pages S. 12108 through S. 12147.

It was understood during the discussion of this matter on October 8 that the Senate conferees on S. 1075 would make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as to the agreed-upon changes discussed on the floor. This understanding was referred to in a motion offered by the chairman of the Interior Committee that the conferees on S. 1075 be instructed to insist upon the provisions of S. 1075 as passed by the Senate and as modified by the agreed-upon changes discussed in connection with debate on S. 7. As was stated on the floor in connection with this motion:

It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon. (October 8, 1969, CONGRESSIONAL RECORD page S12145).

Mr. President, S. 1075 as agreed upon by the conference committee is very close to the bill as passed by the Senate. Most of the substantive provisions of the Senate passed bill have been retained. In addition, most of the substantive provisions of the agreed-upon changes which were discussed on October 8 were adopted in the report of the conference committee.

Mr. President, I might point out that during the conference, the junior Senator from Washington had an opportunity to work with the junior Senator from Maine, who is the chairman of the Subcommittee on Public Works which is directly involved in the environmental area. It was agreed that certain statements should be adjusted in the statement of the Senate managers and this has been done. The junior Senator from

Public Law 91-177
91st Congress, S. 3016
December 30, 1969

An Act

To provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969".

Economic Opportunity Amendments of 1969.

TITLE I—EXTENSION OF THE ECONOMIC OPPORTUNITY ACT OF 1964 AND RELATED PROVISIONS

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 101. (a) Section 161 of the Economic Opportunity Act of 1964 (redesignated section 171 by section 201 of this Act) is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

80 Stat. 1456; 81 Stat. 726; Post, p. 833. 42 USC 2771.

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

42 USC 2837, 2871, 2907, 2965, 2994d.

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

81 Stat. 714. 42 USC 2933.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,195,500,000 for the fiscal year ending June 30, 1970, and $2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than $328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964 and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that of such remaining amounts so appropriated for each fiscal year—

81 Stat. 696. 42 USC 2808. Post, p. 831.

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

81 Stat. 672, 683. 42 USC 2711, 2737.

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and career development programs);

81 Stat. 688. 42 USC 2763. Post, p. 833.

(4) $811,300,000 shall be for the purpose of carrying out title II, of which $398,000,000 shall be for the Project Headstart program described in section 222(a)(1), $90,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

Post, p. 828. 42 USC 2809. Post, p. 829. Post, p. 829.

(5) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

78 Stat. 524; 81 Stat. 709. 42 USC 2841.

(6) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

81 Stat. 709. 42 USC 2861.

(7) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and

78 Stat. 528; 81 Stat. 714. 42 USC 2941.

(8) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

81 Stat. 722. 42 USC 2991.

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

81 Stat. 688. 42 USC 2763.

(2) $34,700,000 for the fiscal year ending June 30, 1971, to be used for the Special Work and Career Development programs described in part E of title I;

Post, p. 833.

(3) $180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222 (a) (1);

Infra.

(4) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222 (a) (3);

Post, p. 829.

(5) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a) (4);

42 USC 2809.

(6) $112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a) (5);

Post, p. 829.

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family Planning program described in section 222 (a) (6);

(8) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a) (7);

(9) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

81 Stat. 709. 42 USC 2861.

(10) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

81 Stat. 713. 42 USC 2931.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 103. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income shall be required to make payment, or have payment made in its behalf, in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

81 Stat. 698. 42 USC 2809.

AMENDMENTS WITH RESPECT TO LEGAL SERVICES PROGRAM

SEC. 104. (a) Section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by striking out "counseling, education, and other appropriate services" and inserting in lieu thereof "legal counseling, education in legal matters, and other appropriate legal services". 81 Stat. 698. 42 USC 2809.

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

EMERGENCY FOOD AND MEDICAL SERVICES

SEC. 105. Section 222(a)(5) of the Economic Opportunity Act of 1964 is amended to read as follows: 81 Stat. 700; 82 Stat. 1019. 42 USC 2809.

"(5) A program to be known as 'Emergency Food and Medical Services' designed to provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of title VI of this Act, financial assistance for the provision of such medical supplies and services, nutritional foodstuffs, and related services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be extended under the provisions of other Federal programs, and may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. In extending such assistance, the Director may make grants to community action agencies or local public or private nonprofit organizations or agencies to carry out the purposes of this paragraph. The Director is authorized to carry out the functions under this paragraph through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such medical supplies and services, nutritional foodstuffs, and related services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer programs to provide such foodstuffs, medical services, and supplies to needy individuals and families." 78 Stat. 528; 81 Stat. 714. 42 USC 2941.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 106. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs: 81 Stat. 698; 82 Stat. 1019. 42 USC 2809.

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the "Alcoholic Counseling and Recovery" program.

individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"Drug Rehabilitation" program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

81 Stat. 706. 42 USC 2834.

SEC. 107. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor.".

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

AMENDMENT OF RURAL LOAN PROGRAM

78 Stat. 524. 42 USC 2851.

SEC. 108. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "such families, and" and inserting "such families, or".

APPLICABILITY TO TRUST TERRITORY

81 Stat. 715. 42 USC 2949.

SEC. 109. Section 609(1) of the Economic Opportunity Act of 1964 is amended by striking out "and title II" and inserting ", title II, title III–A, and title IV".

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 110. Section 616 of the Economic Opportunity Act of 1964 is amended by— 81 Stat. 717. 42 USC 2966.

(1) inserting after the phrase "10 per centum" the first time it appears in such section, the following: "for fiscal years ending prior to July 1, 1970, and not to exceed 15 per centum for fiscal years ending thereafter;" and

(2) striking out "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum" and inserting in lieu thereof the following: "but no such transfer shall result in increasing the amounts otherwise available for any program or activity by—

"(1) more than 100 per centum in the case of any program or activity for which the amounts otherwise available are $10,000,000 or less; or

"(2) more than 35 per centum in the case of any program or activity for which the amounts otherwise available exceed $10,000,000".

ADEQUATE LEADTIME

SEC. 111. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section: 78 Stat. 528; 81 Stat. 714. 42 USC 2941.

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 112. (a) Section 8332 of title 5, United States Code, is amended as follows: 80 Stat. 567.

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter." 81 Stat. 722. 42 USC 2992-2992b.

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

81 Stat. 722.
42 USC 2992-2992b.

42 USC 2994b.

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section"; and

80 Stat. 567.

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

74 Stat. 844.

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

60 Stat. 999; 74 Stat. 831. 22 USC 801 note.

Effective date.

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 113. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

PROVISION WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 114. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

78 Stat. 529; 80 Stat. 1468. 42 USC 2942. Ante, p. 829.

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 115. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director of the Office of Economic Opportunity determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director of the Office of Economic Opportunity shall consult on a quarterly basis.

78 Stat. 508. 42 USC 2701 note. 26 USC 3101, 3301. 26 USC 3401.

TITLE II—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

SEC. 201. Title I of the Economic Opportunity Act of 1964 is amended by redesignating part E as part F, by renumbering section 171 (as amended by this Act) as section 171, and by inserting after part D the following new part:

80 Stat. 1456; 81 Stat. 726. 42 USC 2771. 81 Stat. 688. 42 USC 2763-2768.

"PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 161. The Congress finds that the 'Mainstream' program aimed primarily at the chronically unemployed and the 'New Careers' program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the

"Mainstream" program.

community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

"SPECIAL PROGRAMS

Work and training programs.

"SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

"(1) A special program to be known as 'Mainstream' which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program including without limitation activities which will contribute to the management conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

"New Careers" program.

"(2) A special program to be known as 'New Careers' which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

Supportive services.

"(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

"ADMINISTRATIVE REGULATIONS

"SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

"SPECIAL CONDITIONS

"SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

"(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

"(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

"(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

"(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

"PROGRAM PARTICIPANTS

"SEC. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments. Low income criteria.

"(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

"(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits. Federal employment laws, nonapplicability.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

83 STAT. 835

83 STAT. 836

"LIMITATIONS ON FEDERAL ASSISTANCE

"SEC. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act."

81 Stat. 687.
42 USC 2748.

Approved December 30, 1969.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-684 accompanying H. R. 12321 (Comm. on Education & Labor) and No. 91-778 (Comm. of Conference).
SENATE REPORT No. 91-453 (Comm. on Labor & Public Welfare).
CONGRESSIONAL RECORD, Vol. 115 (1969):
Oct. 13, 14: Considered and passed Senate.
Dec. 11, 12: Considered and passed House, amended, in lieu of H. R. 12321.
Dec. 20: House and Senate agreed to conference report.

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